



**+U.S. Department of Housing and Urban  
Development**  
San Francisco Regional Office  
1 Sansome Street, Suite 1200  
San Francisco, California 94104

## **Re-Evaluation of Previous Environmental Assessment and Environmental Assessment for HUD-Funded Proposals**

Recommended format per 24 CFR 58.36, revised July 2023



**Project Identification:** East 12<sup>th</sup> Street Affordable Apartments Project

**Preparer:** Raney Planning & Management, Inc.  
Rod Stinson, Vice President/Air Quality Specialist

**Responsible Entity:** City of Oakland  
Planning and Building Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

**Month/Year:** January 2024

**Re-Evaluation and Environmental Assessment  
Determinations and Compliance Findings for HUD-assisted Projects  
24 CFR Part 58**

**Project Information**

**Project Name:** East 12<sup>th</sup> Street Affordable  
Apartments Project

**Responsible Entity:** City of Oakland  
Planning and Building Department  
250 Frank H. Ogawa Plaza  
Suite 2114  
Oakland, CA 94612  
Phone: (510) 238-3659

**Grant Recipient** (if different than Responsible Entity): City of Oakland  
250 Frank H. Ogawa Plaza  
Oakland, CA 94612

Oakland Housing Authority  
1619 Harrison Street  
Oakland, CA 94612

**State/Local Identifier:** ES23003

**Preparer:** Raney Planning & Management, Inc.  
Rod Stinson, Vice President/Air  
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**Certifying Officer Name and Title:** William Gilchrist  
Director Planning and Building  
City of Oakland

**Consultant** (if applicable): Raney Planning & Management, Inc.

**Project Location:** 121 East 12<sup>th</sup> Street  
Oakland, CA 94606  
Assessor's Parcel Number (APN): A  
portion of 019-0027-014

## **Project Background**

In 2018, the East Bay Asian Local Development Corporation (EBALDC) entered into an agreement with a market-rate developer to develop the LakeHouse Commons Affordable Apartments Project, which included a 26-story market-rate residential building (North Commons Building) and a six-story, 91-unit affordable housing residential building (South Commons Building), with separate ownership entities. The 2018 Environmental Assessment (2018 EA) prepared for the LakeHouse Commons Project analyzed the development of the South Commons Building, as well as the three-level podium base, which would include two below grade/underground parking levels with 221 automobile parking spaces. The 2018 EA also analyzed other portions of the overall Lake House Commons Affordable Apartments Project, which were considered “aggregation” for the purposes of developing the project.

The 2018 EA was properly noticed and posted to the public in 2018. However, the City of Oakland did not submit a Request for Release of Funds (RROF) to HUD because the project did not receive the project-based housing vouchers. Changes in funding sources required the removal of the City of Oakland and the addition of the California Housing Finance Agency (CHFA) as the Responsible Entity for the proposed project. The CHFA peer reviewed the 2018 EA prepared by the City of Oakland and determined that substantive differences did not occur between the CHFA proposal and its associated environmental impacts and the environmental impacts discussed in the 2018 EA. Therefore, the CHFA adopted the 2018 EA and requested release of the YHN 542(c)- Housing Finance Agency Risk Sharing- New Construction funds. The Authority to Use Grant Funds was released on July 3, 2020 (see Attachment A).

However, during the COVID-19 pandemic, several changes occurred. First, the market-rate developer withdrew from the project and EBALDC could not move forward with development. EBALDC worked with the City of Oakland to re-secure site control of half of the original site and was able to do so officially in January 2023. During this time, the proposed project was renamed to “East 12<sup>th</sup> Street Affordable Apartments Project” (proposed project). The proposed project would continue to be six stories tall with 91 residential units. The floorplans for the upper housing units would remain largely unchanged. With the removal of the market-rate portion, the main changes to the new East 12<sup>th</sup> Street Project from the LakeHouse Commons Affordable Apartments Project include the basement and ground floor levels, as discussed below.

The lot area decreased from 40,276 square feet to 19,419 square feet. The building footprint decreased from 27,958 to 13,446 square feet, representing the removal of the North Commons Building from the project design and the reduction of the podium to serve only the mid-rise South Commons Building. The podium also changed from two stories below grade to at-grade only, which forced the utility facilities to be moved to street level. The proposed project would include 13 parking spaces in a single-story ground level garage, rather than the previously proposed two-level underground parking garage. While the ground floor lobby area has been reduced, the offices, community room, conference room and fire command center remain largely unchanged. Where the two buildings previously had a large, shared courtyard on the podium and smaller podium courtyard for the South Commons Building, the large, shared courtyard is not currently proposed. The courtyard for the South Commons Building remains unchanged, an exterior courtyard at grade. Unit numbers and sizes in the South Commons Building are unchanged. The height of the roof of

the South Commons Building has been reduced from 78 feet and three inches to 68 feet and three inches (74 feet and 11 inches above grade when including a proposed parapet). Exterior building materials remain mostly unchanged; where previously the skin was cement plaster on street facing facades with cement board siding in the courtyard and cement board panels on the blind walls, the exterior design is now cement plaster finish everywhere except the blind walls, which remain cement board panel.

Changes to the project site since preparation of the 2018 EA include portions of the site being paved and the City developing a temporary housing village with 75 community cabins for unhoused individuals, which were on a portion of the project site from November 2021 to June 2023. The cabins were removed on August 31, 2023, and the project site is currently vacant.

Despite the changes to the existing conditions, the potential environmental impacts for the currently proposed project are anticipated to either be generally similar or less significant than those concluded in the 2018 EA due to the removal of the underground parking levels and other project aggregation features. Additionally, the currently proposed project would still be within the previously analyzed development footprint and include the same number of units. Construction of the proposed building would also largely consist of the same design and materials.

Supplemental Oakland Housing Authority Moving to Work (MTW) funding for capital financing and rental operating subsidies for the proposed project were recently approved. Based on the above and the change in the Responsible Entity for the MTW funding, a re-evaluation of the 2018 EA and environmental findings is required.

The National Environmental Policy Act (NEPA) mandates that federal agencies consider the environmental ramifications of a wide variety of proposed actions. This document serves to re-evaluate the environmental effects in the 2018 EA as a result of changes to the site conditions, project description, and additional funding sources.

### **Description of the Proposed Project [24 CFR 50.12 & 58.32; 40 CFR 1508.25]:**

The following sections describe the project site location and existing setting, as well as the components included as part of the East 12<sup>th</sup> Street Affordable Apartments Project (proposed project).

#### Project Site Location, Existing Setting, and Surrounding Uses

The project site is located southwest of the intersection of Lake Merritt Boulevard and East 12th Street at 121 East 12th Street in the City of Oakland, California (see Figure 1 and Figure 2). The approximately 0.92-acre project site, which is a portion of the parcel identified by Assessor's Parcel Number (APN) 019-0027-014, was previously developed with Lakepoint Village, a temporary tiny-home village. However, Lakepoint Village was removed on August 31, 2023.

Undeveloped land consisting of ruderal grass occurs immediately to the north of the project site. Surrounding existing uses include a hotel, an apartment complex, and commercial uses to the east, across East 12<sup>th</sup> Street; apartment complexes to the south, across 2<sup>nd</sup> Avenue; an elementary school

(La Escuelita Elementary School) and high school (MetWest High School) to the southwest, across 2<sup>nd</sup> Avenue; a high school (Dewey Academy) to the west; and unoccupied buildings further west, across East 11th Street. The project site is located within the Urban Residential classification of the Land Use and Transportation Element of the General Plan and within the Lake Merritt Station Area Plan (LMSAP). The site is zoned Lake Merritt Station Area Plan District Urban Residential (D-LM-1).

### Proposed Project

The East 12<sup>th</sup> Street Affordable Apartments project would include development of a six-story affordable housing residential building. The height of the roof would be 68 feet and three inches, and a parapet would result in a maximum building height of 74 feet and 11 inches above grade plane. The proposed building would have a one-level concrete podium at grade, with 13 spaces of vehicle parking, 62 spaces for bicycle storage, as well a community room, approximately 425 square feet of retail uses, approximately 1,200 square feet of office space (see Figure 3). The affordable housing residential component of the building would consist of five-levels, totaling 91 units, with a mix of 42 studio units, 29 one-bedroom units, 16 two-bedroom units, and four three-bedroom units. All units would be affordable.

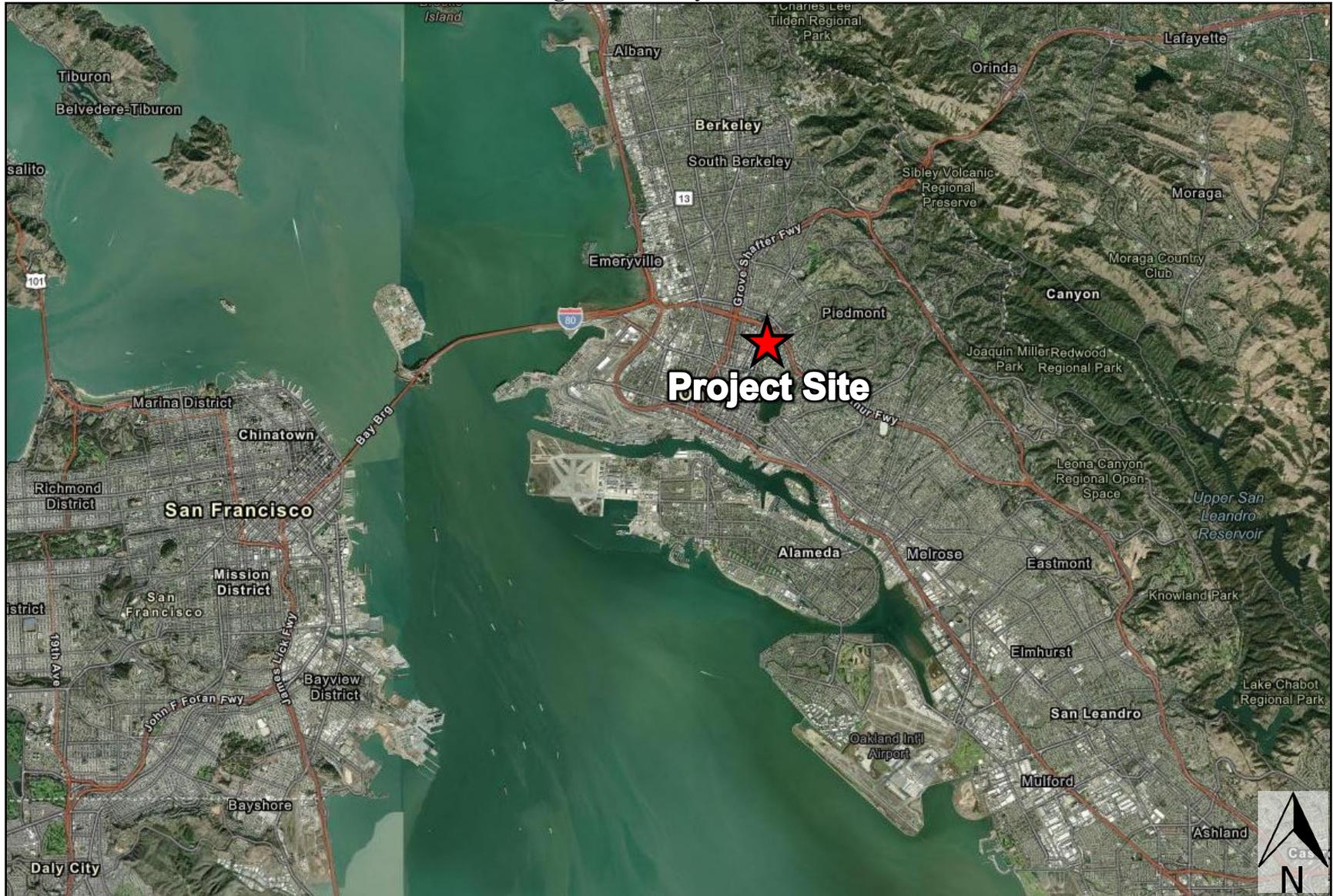
The project would consist of various amenities, including an 814-square-foot community room on the first level and two outdoor courtyards, totaling 5,575 square feet of open space. A 3,737-square-foot outdoor courtyard would be at grade level located on the left side of the building and furnished with a barbeque grill and tables (see Figure 4). A 1,837-square-foot outdoor courtyard would be located on the second level and furnished with a barbeque grill, lounge seating, tables, and planters. With respect to site security, the project would include a tube steel fence securing the back side of the project site and a fence securing the grade level outdoor courtyard.

With respect to site access and parking, pedestrian site access would be provided from East 12<sup>th</sup> Street with a main entrance to the building, as well as an entrance to the retail component at the first level. Vehicle access to the parking garage would be provided from 2<sup>nd</sup> Avenue. The parking garage in the first-level podium would total 5,503 square feet and would include 13 parking spaces for residential use. Three spaces would be accessible, with one being an electric vehicle charging station (EVCS) for vans, one being electric vehicle (EV) capable, and one being standard van accessible. The remaining 10 spaces would consist of one EVCS standard space, one standard EV ready space, one standard EV capable space, and three standard spaces.

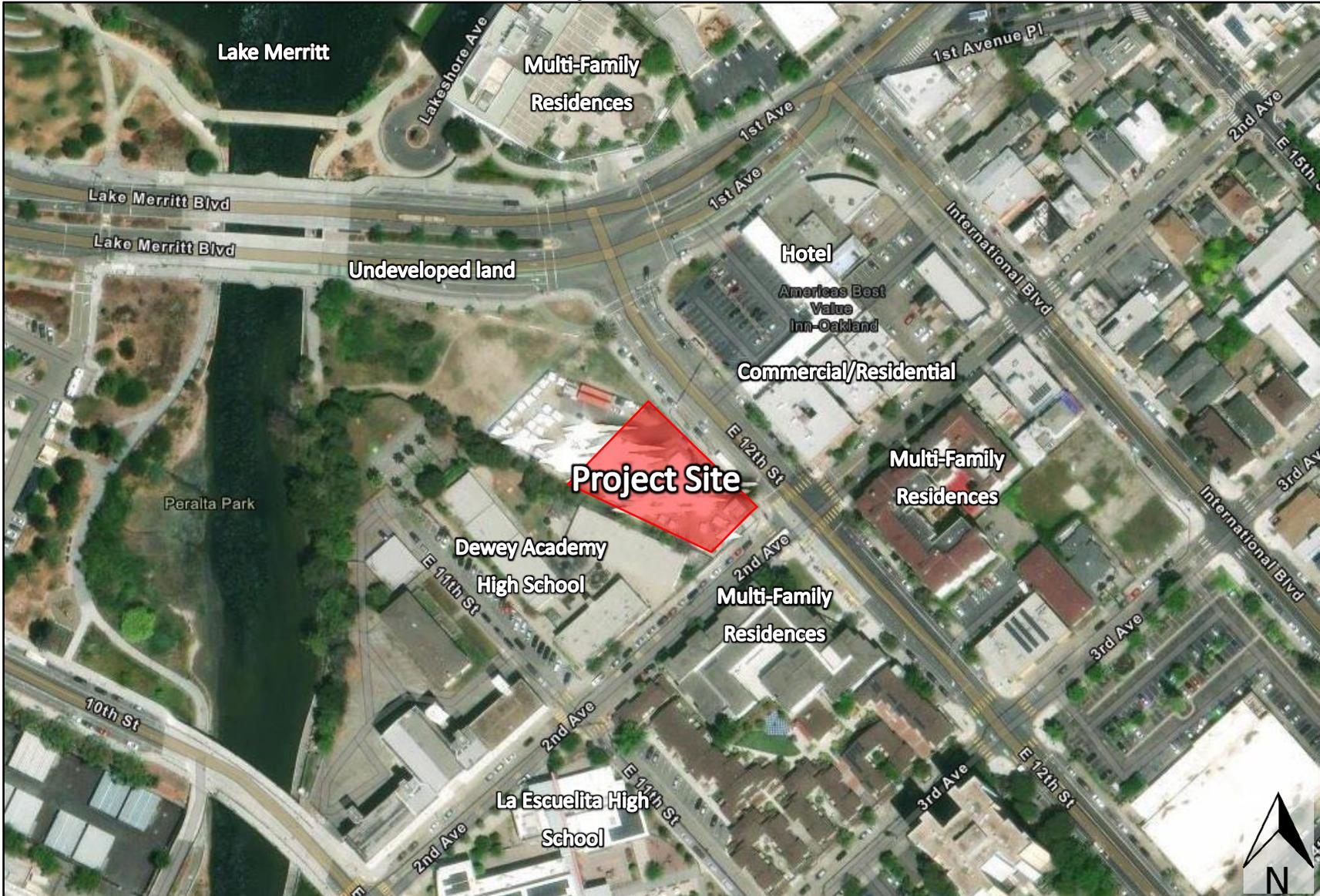
Water and sewer service would be provided to the project site by the East Bay Municipal Water District (EBMUD) through connections to the existing utility infrastructure in the project vicinity. From the existing water line within 2<sup>nd</sup> Avenue, a new four-inch water line would extend 26 feet into the project site. Similarly, from the existing eight-inch sewer line in East 12th Street, a new 48-foot-long six-inch sewer line would extend into the site (see Figure 5).

With respect to storm drain drainage facilities, the proposed project would include installation of two bioretention basins in the northeast corner and southern perimeter of the project site that would convey flows to a new 12-inch line located in the eastern portion of the site. Flows would then be conveyed to the existing 15-inch line in East 12<sup>th</sup> Street.

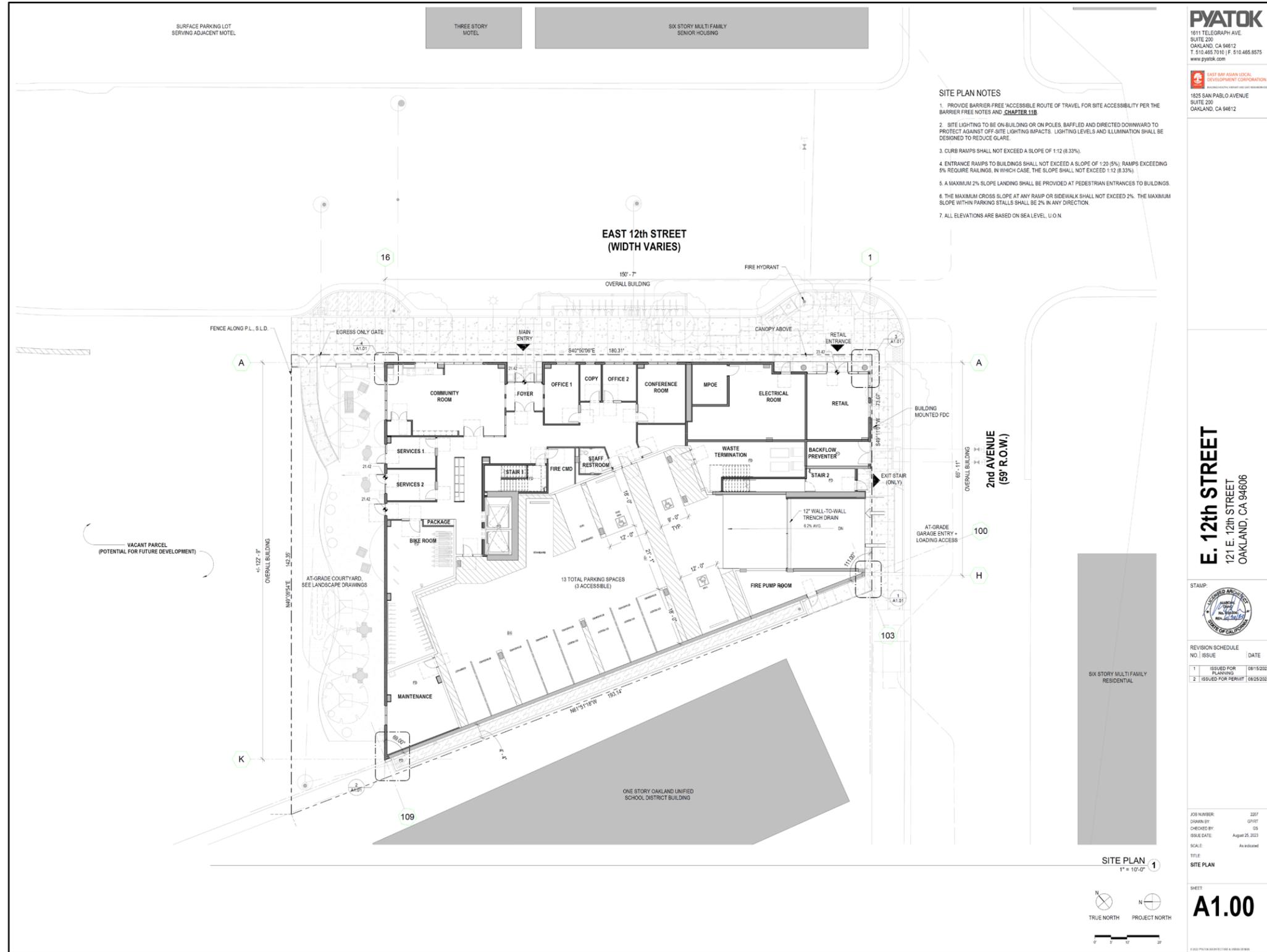
**Figure 1**  
**Regional Vicinity Location**



**Figure 2**  
**Project Site Boundaries**



**Figure 3  
Site Plan**



- SITE PLAN NOTES**
1. PROVIDE BARRIER-FREE ACCESSIBLE ROUTE OF TRAVEL FOR SITE ACCESSIBILITY PER THE BARRIER-FREE NOTES AND **CHAPTER 11B**.
  2. SITE LIGHTING TO BE ON-BUILDING OR ON POLES, BAFFLED AND DIRECTED DOWNWARD TO PROTECT AGAINST OFF-SITE LIGHTING IMPACTS. LIGHTING LEVELS AND ILLUMINATION SHALL BE DESIGNED TO REDUCE GLARE.
  3. CURB RAMPS SHALL NOT EXCEED A SLOPE OF 1:12 (8.33%).
  4. ENTRANCE RAMPS TO BUILDINGS SHALL NOT EXCEED A SLOPE OF 1:20 (5%); RAMPS EXCEEDING 5% REQUIRE RAILINGS, IN WHICH CASE, THE SLOPE SHALL NOT EXCEED 1:12 (8.33%).
  5. A MAXIMUM 2% SLOPE LANDING SHALL BE PROVIDED AT PEDESTRIAN ENTRANCES TO BUILDINGS.
  6. THE MAXIMUM CROSS SLOPE AT ANY RAMP OR SIDEWALK SHALL NOT EXCEED 2%. THE MAXIMUM SLOPE WITHIN PARKING STALLS SHALL BE 2% IN ANY DIRECTION.
  7. ALL ELEVATIONS ARE BASED ON SEA LEVEL, U.O.N.

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**E. 12th STREET**  
121 E. 12th STREET  
OAKLAND, CA 94606



REVISION SCHEDULE

NO.	ISSUE	DATE
1	ISSUED FOR PLANNING	08/15/2022
2	ISSUED FOR PERMIT	08/25/2023

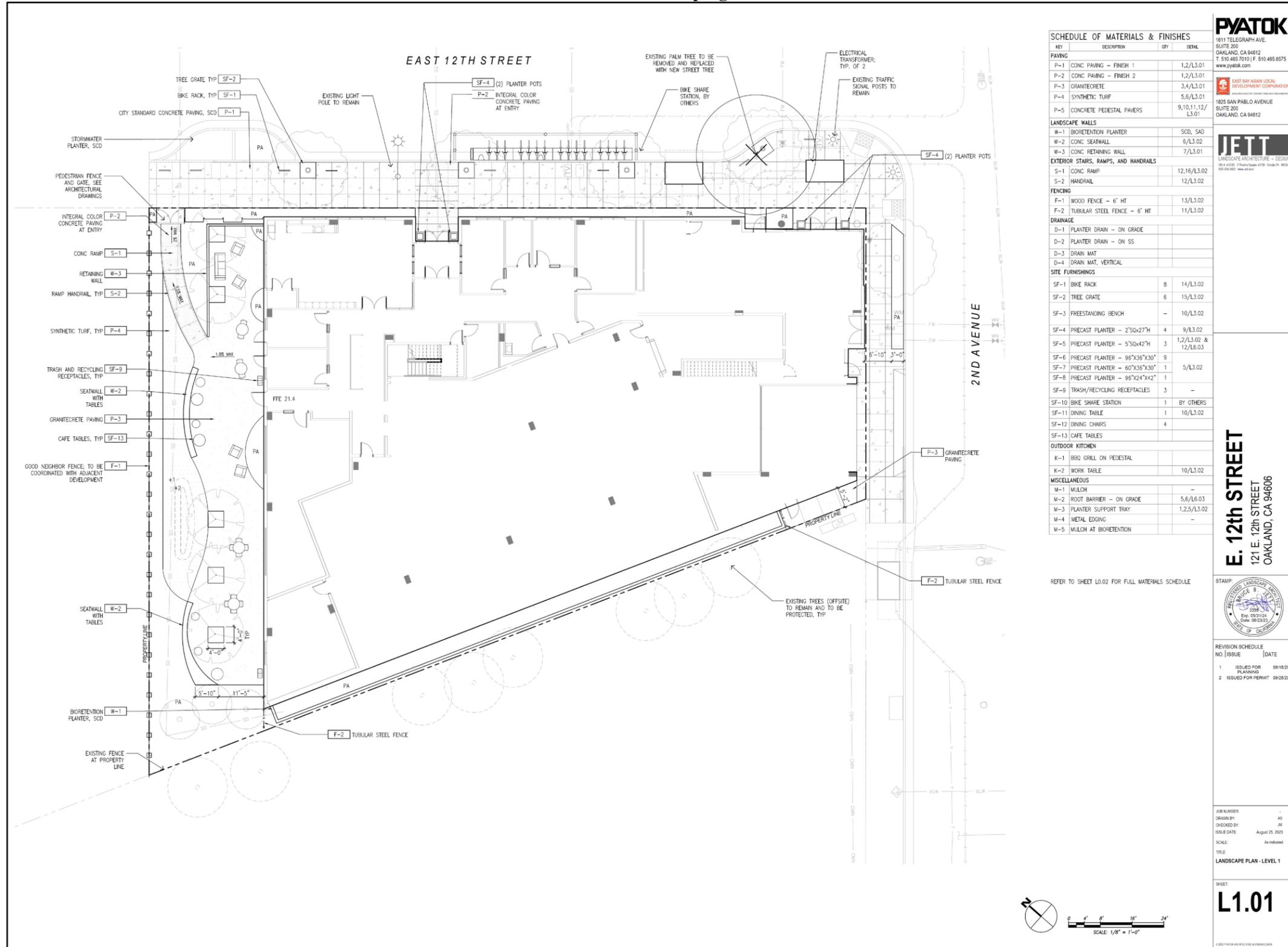
JOB NUMBER: 2207  
DRAWN BY: GIVE  
CHECKED BY: CS  
ISSUE DATE: August 25, 2023  
SCALE: As indicated  
TITLE: SITE PLAN

SHEET  
**A1.00**

SITE PLAN 1  
1" = 10'-0"



**Figure 4**  
**Level One Landscaping Plan**



**SCHEDULE OF MATERIALS & FINISHES**

KEY	DESCRIPTION	QTY	DETAIL
<b>PAVING</b>			
P-1	CONC PAVING - FINISH 1	1,2/L3.01	
P-2	CONC PAVING - FINISH 2	1,2/L3.01	
P-3	GRANITECRETE	3,4/L3.01	
P-4	SYNTHETIC TURF	5,6/L3.01	
P-5	CONCRETE PEDESTAL PAVERS	9,10,11,12/L3.01	
<b>LANDSCAPE WALLS</b>			
W-1	BIORETENTION PLANTER	SCD, SAD	
W-2	CONC SEATWALL	6/L3.02	
W-3	CONC RETAINING WALL	7/L3.01	
<b>EXTERIOR STAIRS, RAMPS, AND HANDRAILS</b>			
S-1	CONC RAMP	12,16/L3.02	
S-2	HANDRAIL	12/L3.02	
<b>FENCING</b>			
F-1	WOOD FENCE - 6' HT	13/L3.02	
F-2	TUBULAR STEEL FENCE - 6' HT	11/L3.02	
<b>DRAINAGE</b>			
D-1	PLANTER DRAIN - ON GRADE		
D-2	PLANTER DRAIN - ON SS		
D-3	DRAIN MAT		
D-4	DRAIN MAT, VERTICAL		
<b>SITE FURNISHINGS</b>			
SF-1	BIKE RACK	8	14/L3.02
SF-2	TREE GRATE	6	15/L3.02
SF-3	FREESTANDING BENCH	-	10/L3.02
SF-4	PRECAST PLANTER - 2'SQx27'H	4	9/L3.02
SF-5	PRECAST PLANTER - 5'SQx42'H	3	1,2/L3.02 & 12/L6.03
SF-6	PRECAST PLANTER - 96\"X36\"X30\"	9	
SF-7	PRECAST PLANTER - 60\"X36\"X30\"	1	5/L3.02
SF-8	PRECAST PLANTER - 96\"X24\"X42\"	1	
SF-9	TRASH/RECYCLING RECEPTACLES	3	-
SF-10	BIKE SHARE STATION	1	BY OTHERS
SF-11	DINING TABLE	1	10/L3.02
SF-12	DINING CHAIRS	4	
SF-13	CAFE TABLES		
<b>OUTDOOR KITCHEN</b>			
K-1	BBO GRILL ON PEDESTAL		
K-2	WORK TABLE	10	L3.02
<b>MISCELLANEOUS</b>			
M-1	MULCH	-	
M-2	ROOT BARRIER - ON GRADE	5,6	L6.03
M-3	PLANTER SUPPORT TRAY	1,2,5	L3.02
M-4	METAL EDGING	-	
M-5	MULCH AT BIORETENTION	-	

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OAKLAND, CA 94612

**E. 12th STREET**  
121 E. 12th STREET  
OAKLAND, CA 94606

STAMP: [Professional Engineer Seal]

REVISION SCHEDULE

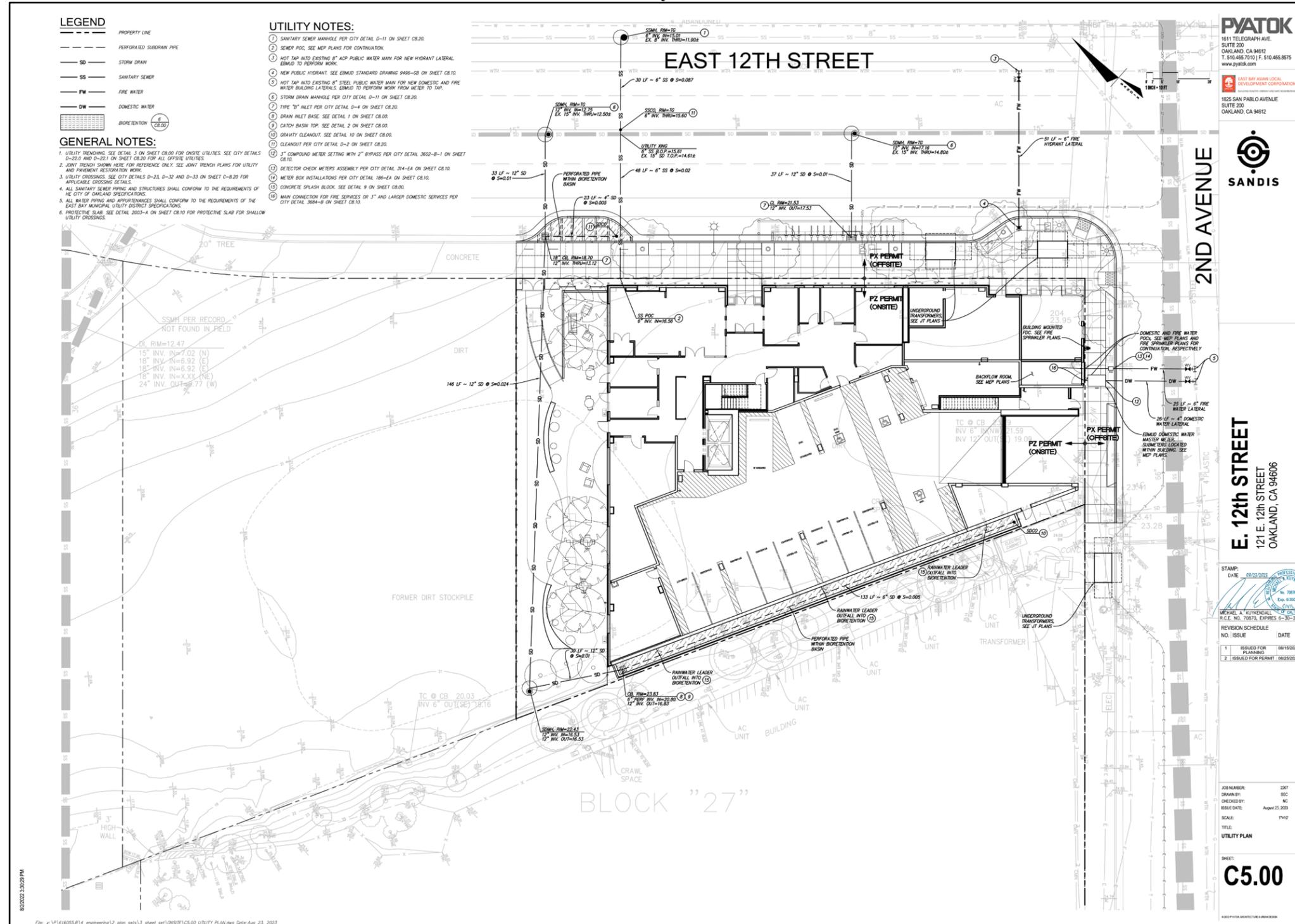
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2	ISSUED FOR PERMIT	08/28/2022

JOB NUMBER: -  
DRAWN BY: AS  
CHECKED BY: JM  
ISSUE DATE: August 25, 2023  
SCALE: As indicated  
TITLE: LANDSCAPE PLAN - LEVEL 1

SHEET: **L1.01**



Figure 5  
Utility Plan



## **Statement of Purpose and Need for the Proposal** [40 CFR 1508.9(b)]:

According to the California Department of Finance, the population total for the City of Oakland in January 2023 was 419,556.<sup>1</sup> The City's population has risen marginally over the last ten years, increasing 6.9 percent from 390,724 in 2010.<sup>2</sup>

The purpose of the proposed project is to help satisfy increased demand within Oakland for affordable housing. According to the Regional Housing Needs Assessment (RHNA) for the Association of Bay Area Governments (ABAG), the City is expected to need 6,511 very low-income housing units, 3,750 low-income housing units, 4,457 moderate income housing units, and 11,533 above moderate-income units during the 2023-2031 planning period.<sup>3</sup> The proposed project would add 91 affordable units to assist in achieving the City's RHNA goals.

Furthermore, the 2023-2031 City of Oakland Housing Element includes several goals and policies related to affordable housing. Specifically, Policy 3.1 aims to facilitate production of deeply affordable housing, Policy 3.3 aims to expand resources for the construction of affordable housing, Policy 3.6 aims to streamline the approval of new housing, and Policy 3.8 aims to convert vacant land and units to housing. By developing affordable housing units on vacant land, the proposed project would further the aforementioned goals.

## **Existing Conditions and Trends** [24 CFR 58.40(a)]:

The following sections describe the existing site conditions, as well as the flood hazard, surface water, and groundwater conditions of the project site.

### Existing Conditions

The project site is located southwest of the intersection of Lake Merritt Boulevard and East 12th Street at 121 East 12th Street in the City of Oakland, California (see Figure 1 and Figure 2). The site is 0.45-acre of the approximately 0.92-acre parcel identified by Assessor's Parcel Number (APN) 019-0027-014. The site is within 170 feet from the Lake Merritt Channel and is currently paved. The remaining portion of the site is vacant with sporadic grass. The project is surrounded by urban development. The nearest public airport to the project site is the Oakland International Airport, located approximately 4.37 miles to the southeast (see Figure 6).

### Flood Hazard, Surface Water, and Groundwater Conditions

According to the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 06001C0067H, effective December 21, 2018, the entirety of the project site is within Zone X, which is identified as an Area of Minimal Flood Hazard (see Figure 7). Thus, the project site is not located within a Special Flood Hazard Area (SFHA).

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<sup>1</sup> California Department of Finance. *2023 City Population Rankings*. January 1, 2023.

<sup>2</sup> United States Census Bureau. *QuickFacts Oakland city, California; United States*. Available at: <https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia,US/PST045222>. Accessed October 2023.

<sup>3</sup> City of Oakland. *2023-2031 Housing Element*. January 31, 2023.

**Figure 6**  
**Nearest Airport Map**

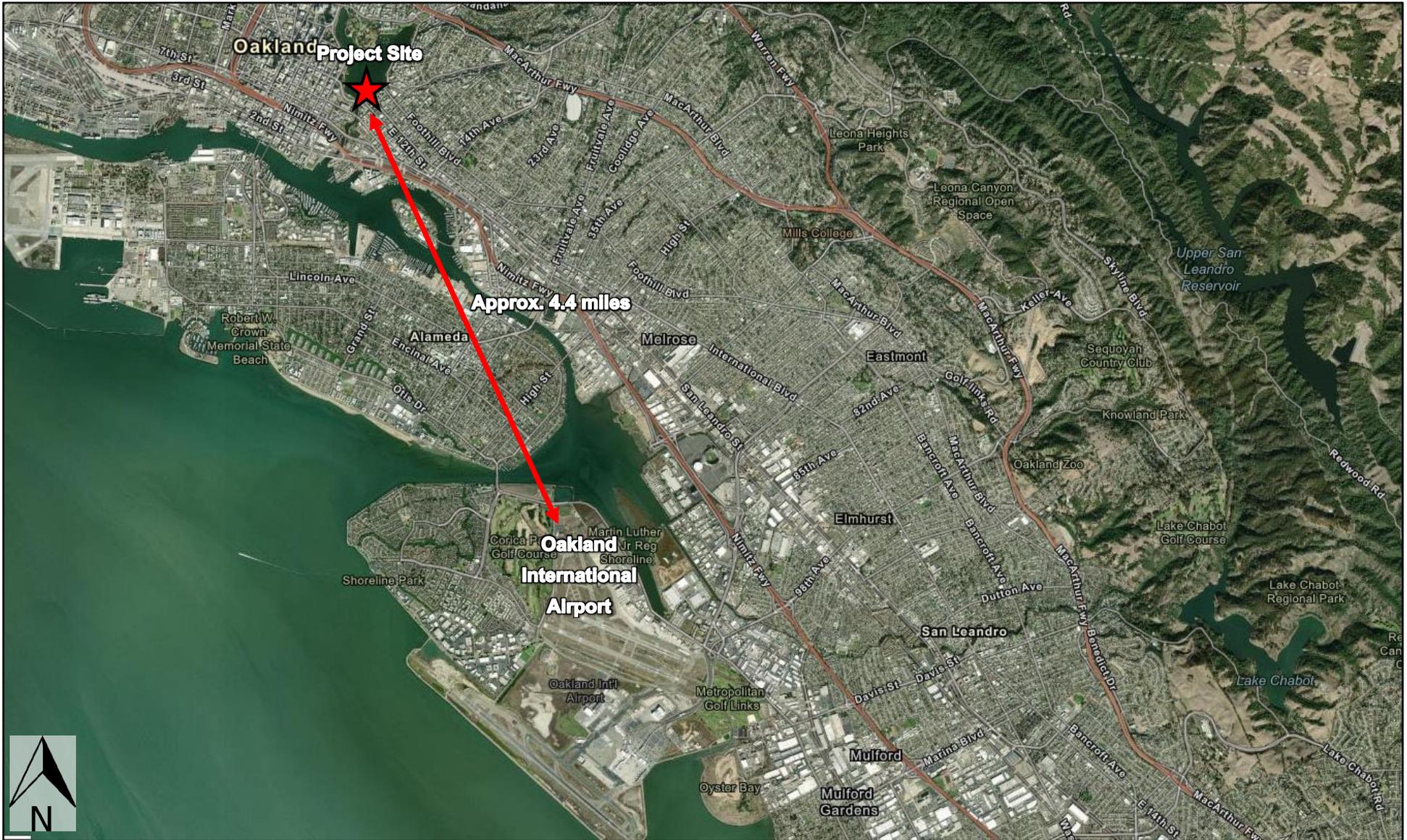
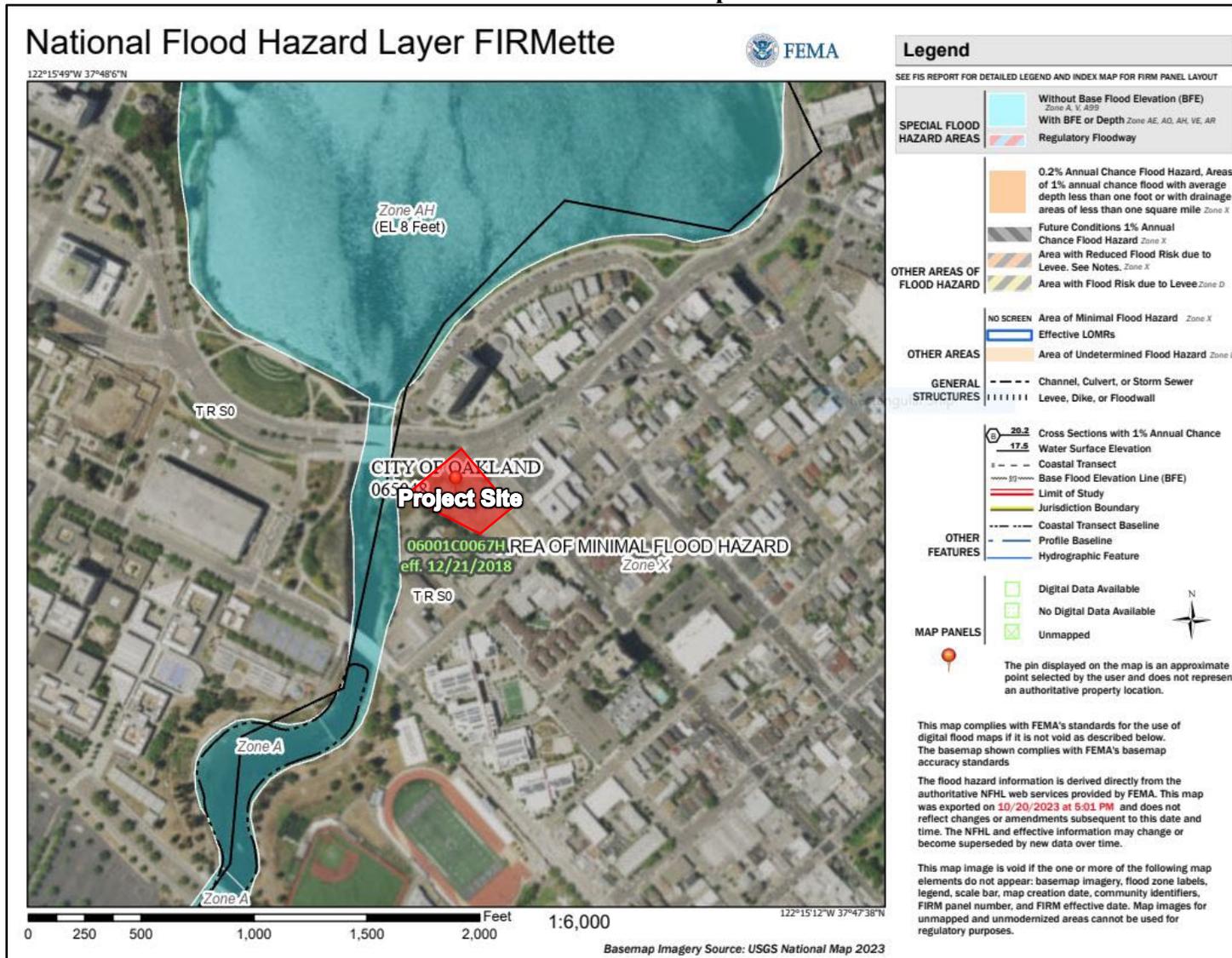


Figure 7  
FEMA Flood Map



According to the U.S. Fish and Wildlife Service’s (USFWS) National Wetlands Inventory (NWI), the nearest surface water source to the project site is Merritt Channel, which is an estuarine and marine deepwater habitat located approximately 170 feet west of the project site (see Figure 8). The NWI classifies the channel as E1UBL which denotes that the wetland is estuarine (E), subtidal (1, L), and has an unconsolidated bottom (UB). In addition, Lake Merritt, a lake habitat, is located approximately 330 north of the project site. The project site is located approximately 13.2 miles from the Coastal Zone Boundary (see Figure 9) and is located approximately 47 miles north of the nearest sole source aquifer, Santa Margarita Aquifer, Scotts Valley Streamflow Source Zone (see Figure 10). The nearest Wild and Scenic River to the project site is the American River, located approximately 65 miles to the northeast (see Figure 11).

## Trends

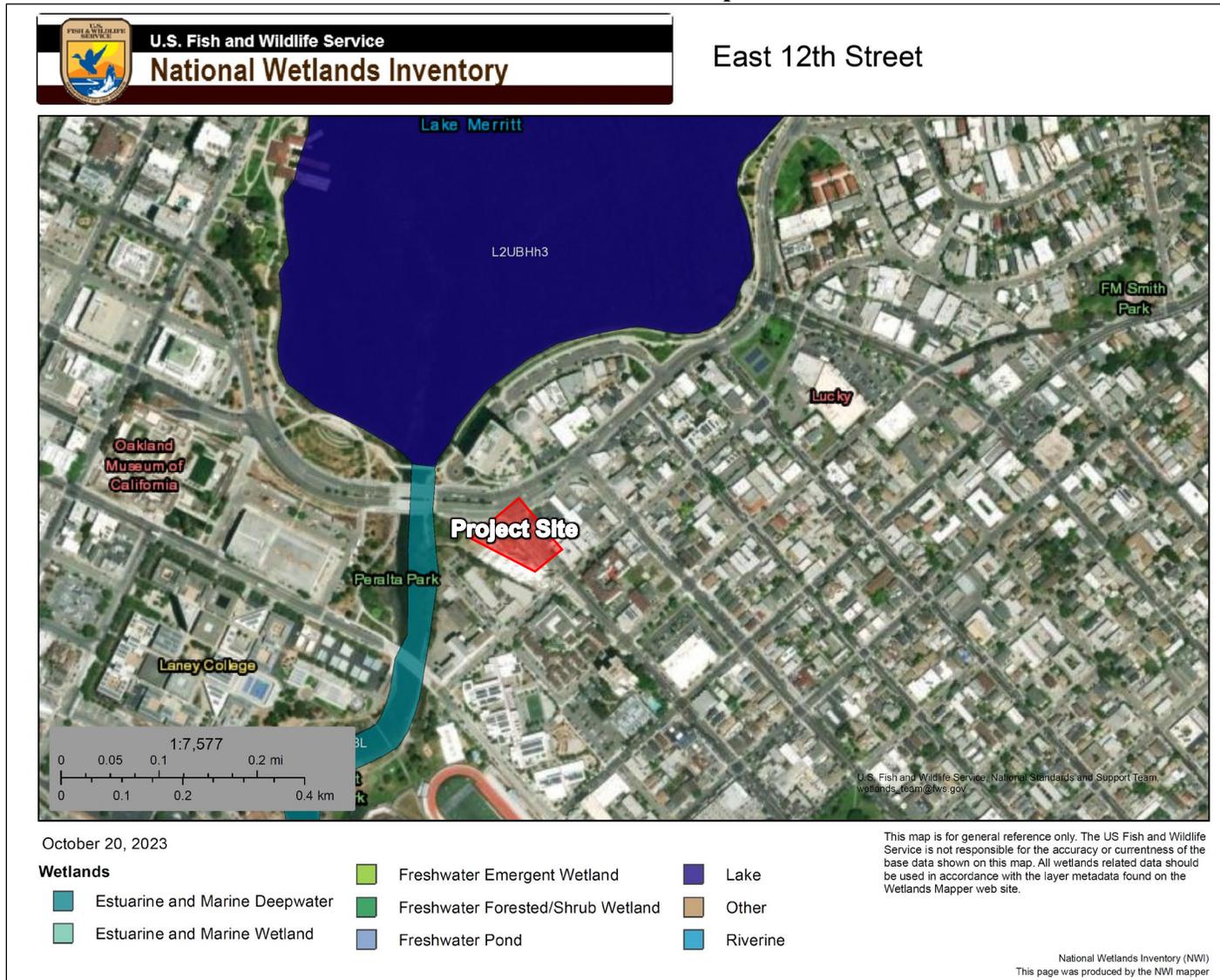
The California legislature has found that the State of California has accumulated an unmet housing backlog of nearly 2,000,000 units and must provide for at least 180,000 new units annually to keep pace with growth through 2025. Over the last eight years, Oakland produced sufficient housing units to meet its share of the overall State-mandated housing production goals. Many other cities throughout the State fell short of their assigned goals, which exacerbates the current housing affordability crisis and creates additional displacement forces on cities like Oakland. However, Oakland’s housing production skewed significantly toward market-rate development and fell short of producing sufficient affordable housing. The 2023-2031 Housing Element found that sufficient parcels of land under existing zoning regulations are available to meet the City’s assigned eight-year housing production goals, and that the sites are zoned at a sufficiently high density so as to not preclude affordable housing development.

The Housing Element reflects the Regional Housing Needs Assessment (RHNA) as determined by the Association of Bay Area Governments (ABAG) for the Sixth Cycle Housing Element update, covering the years 2023-2031. The RHNA is a State-mandated process intended to ensure every City and County plans for enough housing production to accommodate future growth. The State of California Housing and Community Development Department (HCD) assigns each region of the State an overall RHNA allocation. For the Bay Area region, ABAG then distributes a “fair share” portion of that allocation to each local jurisdiction. For the 2023-2031 period, the City of Oakland must identify sites sufficient to accommodate 26,251 new housing units between 2023 and 2031, with a specific number of units designated as affordable to each income category. A total of 6,511 units must be affordable to households making less than 50 percent of the area median income (AMI), 3,750 units must be affordable to households making between 50 and 80 percent of the AMI, 4,457 units must be affordable to households making between 80 and 120 percent of the AMI, and 11,533 units must be affordable to households making over 120 percent of the AMI. The RHNA does not specifically break down the need for extremely low-income households. As provided by State law, the housing needs of extremely low-income households, or those making less than 30 percent of the AMI, is estimated as 50 percent of the very low-income housing need.<sup>4</sup>

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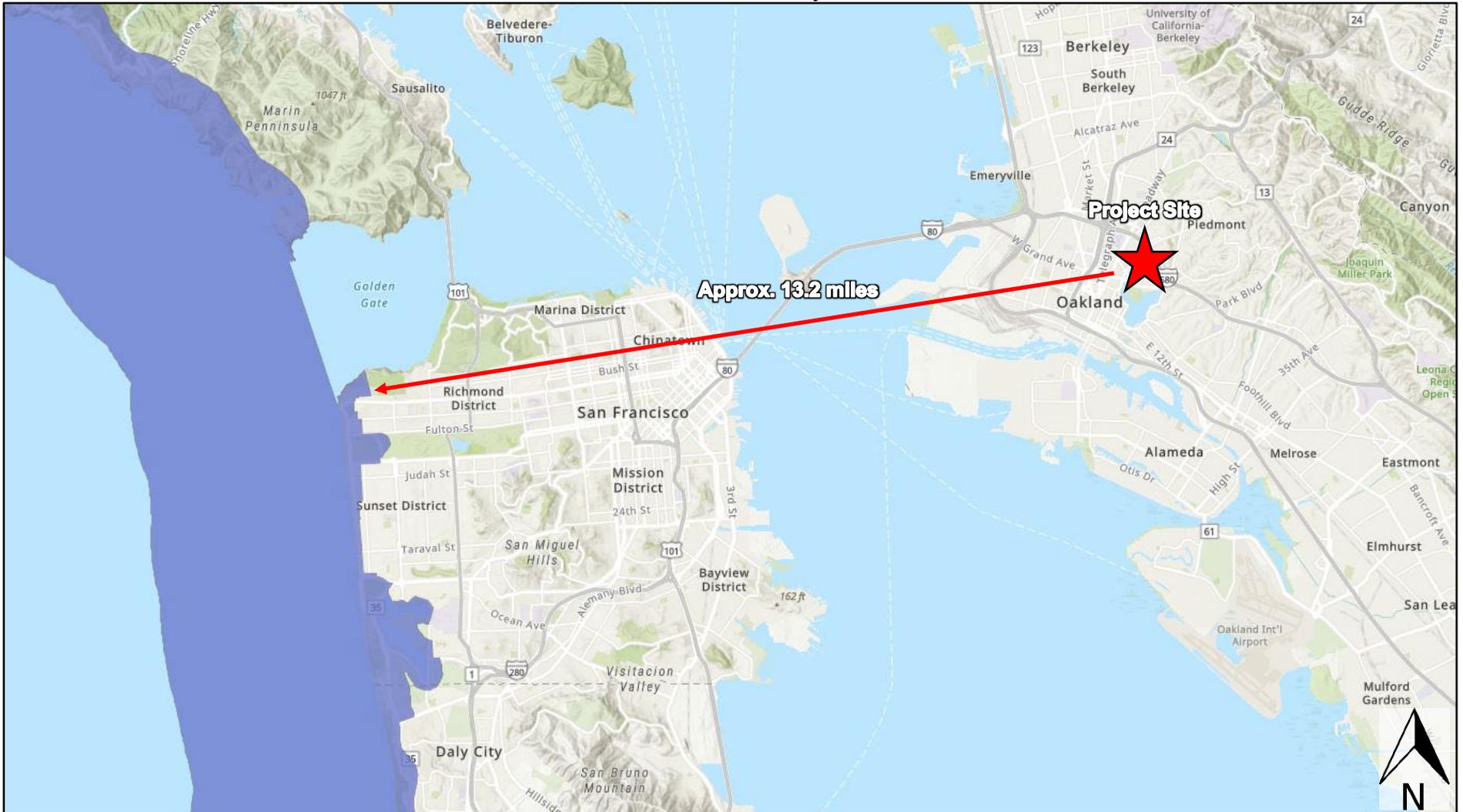
<sup>4</sup> City of Oakland. *2023-2031 Housing Element*. January 31, 2023.

**Figure 8  
NWI Wetlands Map**



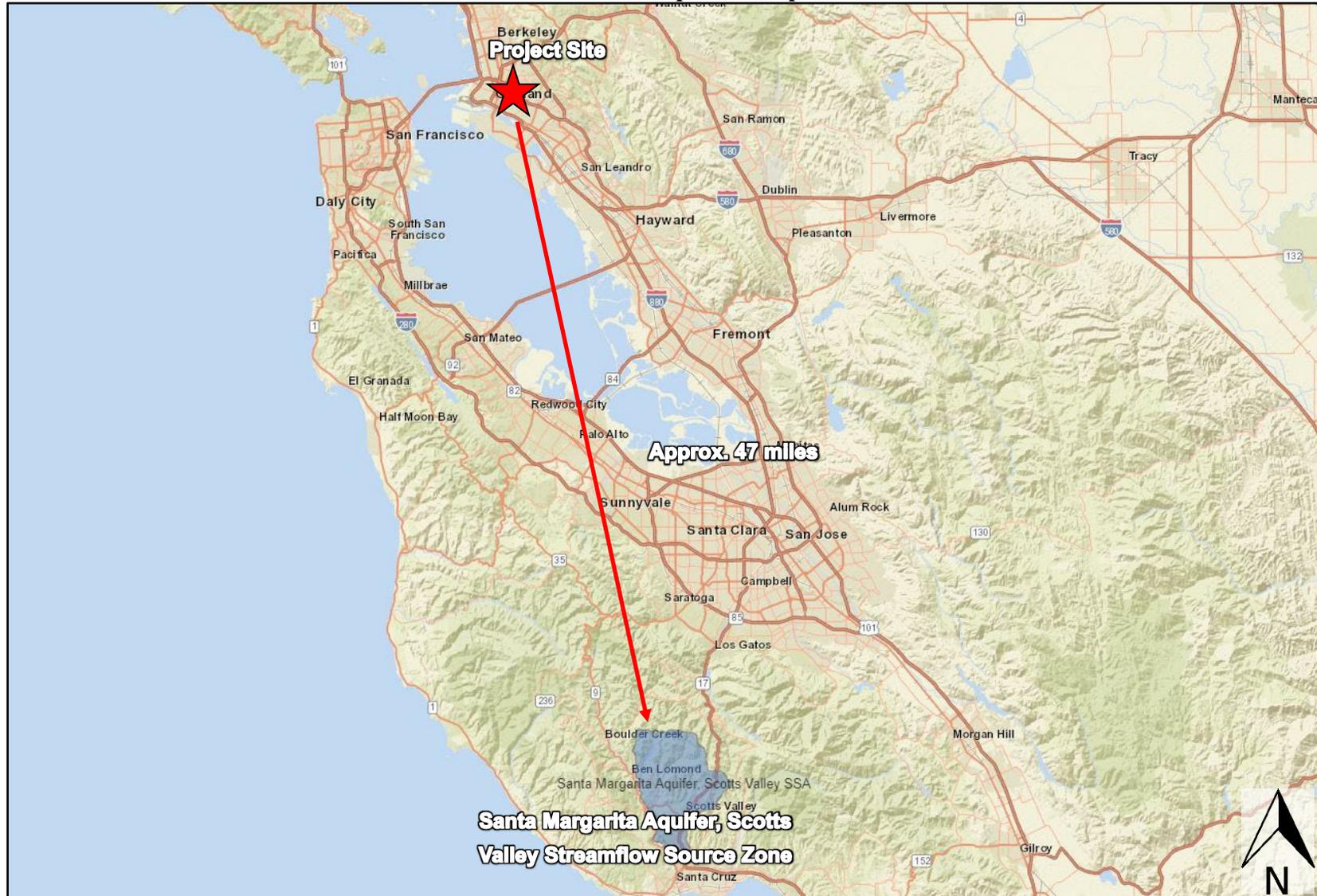
Source: U.S. Fish and Wildlife Service. National Wetlands Inventory. Accessed October 2023.

**Figure 9**  
**Coastal Zone Boundary**



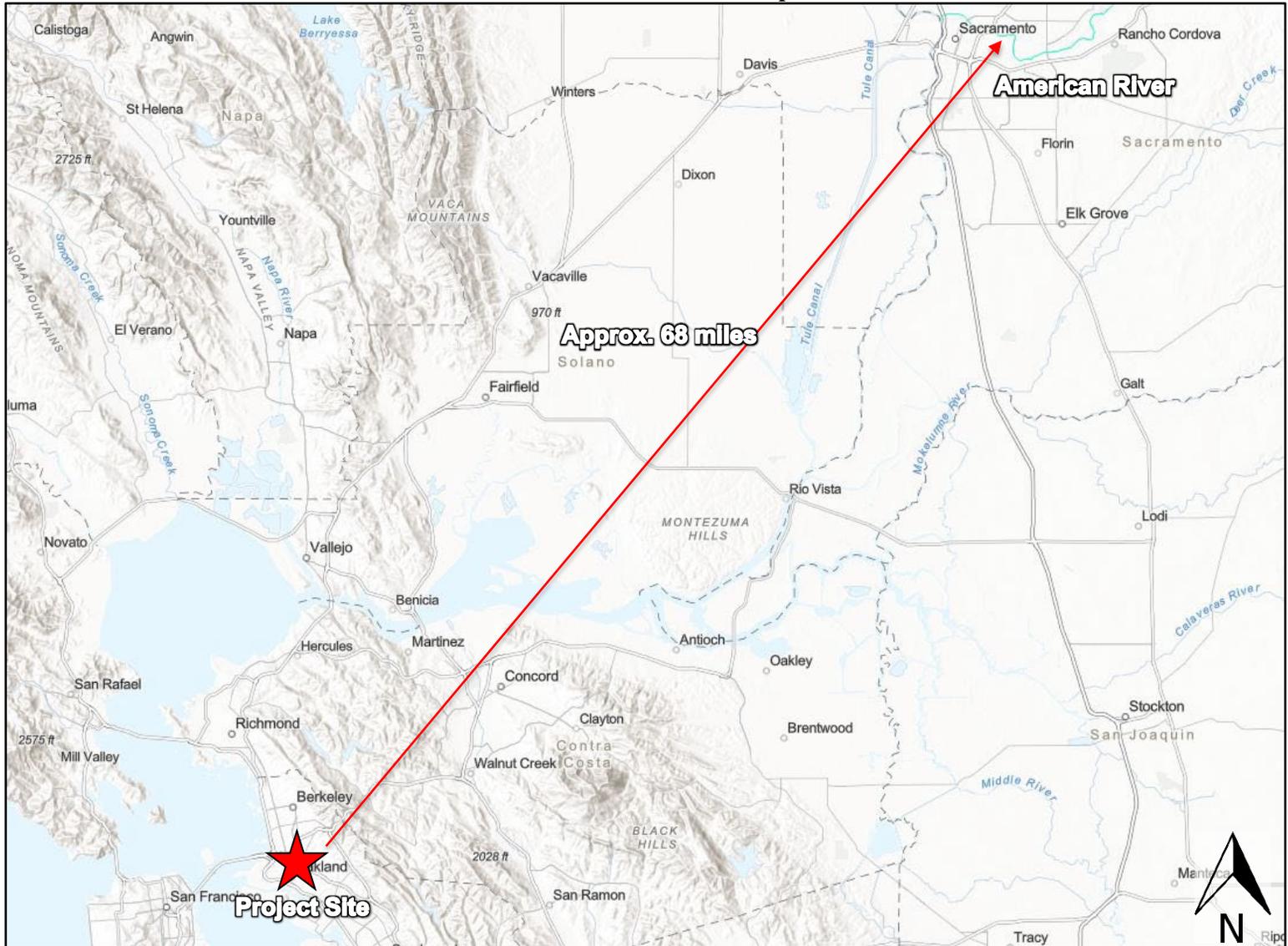
Source: California Department of Fish and Wildlife. BIOS. Accessed October 2023.

**Figure 10**  
**Sole Source Aquifers Map**



Source: U.S. Environmental Protection Agency. Sole Source Aquifers. Accessed October 2023.

**Figure 11**  
**Wild and Scenic Rivers Map**



Source: US Forest Service, National Wild and Scenic Rivers System. Accessed October 2023

The previous 2018 EA noted that there were 21,455 low income households in Oakland (from 31-50 percent of median income), constituting over 14 percent of all Oakland households, according to the 2015 City of Oakland Consolidated Plan for Housing and Community Development For low income renters, affordability is clearly the most significant problem, affecting approximately 54 percent of these households. According the First Substantial Amendment to this document, this trend is continuing and are likely to continue in the absence of the project.

The planning entitlements indicate that 56 units will be for low-income households, while 35 would be for very-low income households. The proposed project would help to solve the disproportionate availability of market-rate versus affordable housing units by providing 91 affordable residential units. Furthermore, the proposed project would help achieve the City’s RHNA goals by providing 56 units where 3,750 units is needed and 35 units where 6,511 units are needed.

**Funding Information**

<b>HUD Program</b>	<b>Grant Number</b>	<b>Funding Amount</b>
Moving To Work	CFDA No. 14.881	\$13,465,000

**Estimated Total HUD Funded Amount:** \$9,850,000 Development Loan of MTW funds and \$3,615,000 in Rental Assistance Subsidy of Moving to Work (MTW) funds from the Oakland Housing Authority; \$6,000,000 YHN 542(c)- HFA Risk Sharing- New Construction from California Housing Finance Agency (previously awarded).

**Estimated Total Project Cost** (HUD and non-HUD funds) [24 CFR 58.32(d)]:

The estimated total development cost for the proposed project is approximately \$106,962,074.

## Supplemental Analysis/Re-Evaluation and Assessment of Effects

### Compliance with 24 CFR 50.4, 58.5, and 58.6 Laws and Authorities

Record below the compliance or conformance determinations for each statute, executive order, or regulation. Provide credible, traceable, and supportive source documentation for each authority. Where applicable, complete the necessary reviews or consultations and obtain or note applicable permits of approvals. Clearly note citations, dates/names/titles of contacts, and page references. Attach additional documentation as appropriate.

<b>Compliance Factors:</b> Statutes, Executive Orders, and Regulations listed at 24 CFR §58.5 and §58.6	Are formal compliance steps or mitigation required?	Compliance determinations
<b>STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 and 58.6</b>		
<b>Airport Hazards</b>  24 CFR Part 51 Subpart D	Yes    No <input type="checkbox"/> <input checked="" type="checkbox"/>	<p>HUD’s policy is to apply standards to prevent incompatible development around civil airports or military airfields, consistent with Title 24 of the Code of Federal Regulations (CFR), Part 51, Subpart D.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with 24 CFR 51 D and found that the nearest airport (civil or military) to the project site was the Oakland International Airport, located approximately 4.37 miles (23,073.6 feet) to the south of the site. Thus, the 2018 EA found that the project site would not be located within 2,500 feet of a civilian airport or within 15,000 feet of a military airport, and therefore, would not conflict with 24 CFR 51 D.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA, and, therefore, would not result in additional impacts related to airport hazards. Since preparation of the 2018 EA, new airports have not been developed in closer proximity to the project site than the Oakland International Airport. Therefore, the project site would still not conflict with 24 CFR 51 D.</p>

		<p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p>
<p><b>Coastal Barrier Resources</b></p> <p>Coastal Barrier Resources Act, as amended by the Coastal Barrier Improvement Act of 1990 [16 USC 3501]</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Coastal Barrier Resources Act prohibits federal assistance within barrier islands that are subject to frequent damage by hurricanes and high storm surges. Coastal barrier resources identified by the U.S. Fish and Wildlife Service (USFWS) do not exist within the State of California.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the CBRA and found that Coastal Barrier Resources do not exist within California, and thus, would not conflict with the CBRA.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA. Since preparation of the 2018 EA, new coastal barriers have not been identified within the State of California. Therefore, the project site would not be located within a coastal barrier.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>California Department of Fish and Wildlife. <i>Biogeographic Information and Observation System (BIOS)</i>. Available at: <a href="https://apps.wildlife.ca.gov/bios6/">https://apps.wildlife.ca.gov/bios6/</a>. Accessed October 2023. (Figure 9).</p>
<p><b>Flood Insurance</b></p> <p>Flood Disaster Protection Act of 1973 and National Flood Insurance Reform Act of 1994 [42 USC 4001-4128 and 42 USC 5154a]</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Flood Disaster Protection Act of 1973 (42 USC 4012a) requires that projects receiving federal assistance and located in an area identified by the FEMA as being within a SFHA be covered by flood insurance under the National Flood Insurance Program.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the Flood Disaster Protection Act or the National Flood Insurance Reform</p>

		<p>Act and found that the project site is not located within a 100-year floodplain or a 500-year floodplain. According to FEMA FIRM 06001C0067G, effective August 2009, the entirety of the project site is within Zone X, identified as an Area of Minimal Flood Hazard. An updated FEMA FIRM, 06001C0067H, effective December 2018, has been identified since the approval of the 2018 EA. However, the project site continues to be located within Zone X.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA. Since December 2018, a new SFHA has not been identified in closer proximity to the project site. Therefore, the project site would not be located within a SFHA, and would not require coverage under the National Flood Insurance Program.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>Federal Emergency Management Agency. <i>Flood Insurance Rate Map 06001C0067H</i>. Available at: <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a>. Accessed October 2023. (Figure 7).</p>
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**STATUTES, EXECUTIVE ORDERS, AND REGULATIONS LISTED AT 24 CFR 50.4 & 58.5**

<p><b>Clean Air</b></p> <p>Clean Air Act, as amended, particularly section 176(c) &amp; (d); 40 CFR Parts 6, 51, 93</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The City of Oakland, including the project site, is located within the boundaries of the San Francisco Bay Area Air Basin (SFBAAB) and under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). Pollutants for which air quality standards have been established are called “criteria” air pollutants. Major criteria air pollutants include ozone precursors – reactive organic gases (ROG) and nitrous oxides (NO<sub>x</sub>) – carbon monoxide (CO), respirable or suspended particulate matter less than 10 microns in diameter (PM<sub>10</sub>), and fine particulate matter less than 2.5 microns in diameter (PM<sub>2.5</sub>).</p> <p>The SFBAAB area is designated as nonattainment for the federal 8-hour ozone</p>
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standard and the federal 24-hour PM<sub>2.5</sub> standard, and attainment or unclassified for all other federal criteria pollutant standards. The Clean Air Act requires each state to prepare an air quality control plan referred to as a State Implementation Plan (SIP). The SIPs are modified periodically to reflect the latest emissions inventories, planning documents, and rules and regulations of the air basins, as reported by their jurisdictional agencies.

**2018 EA**

The 2018 EA analyzed potential conflicts in accordance with the Clean Air Act. The 2018 EA compared criteria pollutants to the General Conformity *de minimis* applicability thresholds (GC thresholds) on a tons/year basis for both construction and operational emissions. The previously approved project’s short-term construction-related and long-term operational emissions were estimated using the California Emissions Estimator Model (CalEEMod) software. The CalEEMod inputs were based on construction of the previously approved North Commons Building and the South Commons Building, as well as the associated shared podium parking garage.

**Construction Emissions**

According to the CalEEMod results, the previously proposed project would result in maximum unmitigated construction emissions as shown in Table 1.

<b>Table 1 Maximum Unmitigated Construction Emissions (tons/year)</b>		
<b>Pollutant</b>	<b>Project Emissions</b>	<b>GC <i>de minimis</i> Threshold</b>
ROG	0.7	100
NO <sub>x</sub>	1.5	100
PM <sub>10</sub>	0.1	N/A
<i>Source: City of Oakland. LakeHouse Commons Affordable Apartments Project Environmental Assessment. November 2018.</i>		

As presented in Table 1, emissions of ROG, NO<sub>x</sub> and PM<sub>10</sub> would be below the applicable air quality GC thresholds set forth by the United

States Environmental Protection Agency (USEPA), and impacts related to criteria air pollutant emissions would not occur during project construction.

In addition, the City adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval that apply to air quality impacts. Application of these standards and a mitigation to address diesel particulate matter would ensure that new building construction and operation would have a less than significant impact with respect to air quality.

Operational Emissions

According to the CalEEMod results, the previously proposed project would result in maximum unmitigated operational criteria air pollutant emissions as shown in Table 2.

<b>Table 2 Maximum Unmitigated Operational Emissions (tons/year)</b>		
<b>Pollutant</b>	<b>Project Emissions</b>	<b>GC de minimus Threshold</b>
ROG	0.9	100
NO <sub>x</sub>	1.1	100
PM <sub>10</sub>	0.7	N/A
<i>Source: City of Oakland. LakeHouse Commons Affordable Apartments Project Environmental Assessment. November 2018.</i>		

As presented in Table 2, emissions of ROG, NO<sub>x</sub> and PM<sub>10</sub> would be below the applicable air quality GC thresholds set forth by the USEPA, and impacts related to criteria air pollutant emissions would not occur during project operation.

Cumulative Emissions

Due to the dispersive nature and regional sourcing of air pollutants, air pollution is largely a cumulative impact. The nonattainment status of regional pollutants, including ozone and PM, is a result of past and present development, and, thus, cumulative impacts related to these pollutants could be considered cumulatively significant. Because both construction and

		<p>operational emissions would be below the <i>GC de minimis</i> thresholds, the previously proposed project would not be expected to contribute to cumulative emissions.</p> <p><u>Toxic Air Contaminants</u></p> <p>Toxic air contaminants (TACs) are a category of environmental concern as well. The California Air Resources Board’s (CARB’s) <i>Air Quality and Land Use Handbook: A Community Health Perspective</i> (Handbook) provides recommendations for siting new sensitive land uses near sources typically associated with significant levels of TAC emissions, including, but not limited to, freeways and high traffic roads, distribution centers, and rail yards. The CARB has identified diesel particulate matter (DPM) from diesel-fueled engines as a TAC; thus, high volume freeways, stationary diesel engines, and facilities attracting heavy and constant diesel vehicle traffic are identified as having the highest associated health risks from DPM. Health risks from TACs are a function of both the concentration of emissions and the duration of exposure. Health-related risks associated with DPM in particular are primarily associated with long-term exposure and associated risk of contracting cancer.</p> <p>The 2018 EA considered exposure of sensitive receptors at the project site to air pollutant levels that result in an unacceptable cancer risk or hazard and concluded that neither of the two stationary sites, a gas station and a generator, within 1,000 feet of the project site would exceed the stationary source threshold for risk and hazard at the individual or cumulative level. In addition, according to the 2018 EA, freeways or high-volume roadways do not exist within 1,000 feet of the project site.</p> <p><u>Re-evaluation</u></p> <p>The currently proposed project would be constructed within the development footprint and the same use as analyzed in the 2018 EA. However, the proposed project would be less intense, as the parking podium and the North Commons tower, which were previously</p>
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	<p>analyzed due to the potential air quality impacts, are not currently proposed. Therefore, both the construction and operational emissions resulting from the currently proposed project would be significantly less than previously analyzed and continue to be below the GC thresholds.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval in accordance with the most recent guidance from CARB and BAAQMD. The Conditions, listed below, replace those in the 2018 EA, as well as the 2018 mitigation measure, and would continue to apply to the proposed project to further reduce air quality impacts. Condition AQ4. became Mitigation Measure AQ.5 as that was not included in the project approval and is still necessary. As a result, the proposed project would not result in any conflicts related to the Clean Air Act.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>AQ1: Diesel Particulate Matter Controls – Construction Related</p> <p><b><u>2018 EA Standard Conditions of Approval</u></b></p> <p>AQ2: Construction Related Air Pollution Controls (Dust and Equipment Emissions)</p> <p>AQ3: Exposure to Air Pollution (Toxic Air Contaminants: Particulate Matter)</p> <p>AQ4: Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)</p> <p><b><u>New Mitigation Measures</u></b></p> <p>AQ.5. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>The proposed project would be subject to the following City of Oakland Standard Conditions of Approval. It should be noted that Mitigation and Conditions have been renumbered as part of this EA.</p>
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		<p>AQ.1. Dust Controls – Construction Related.</p> <p>AQ.2. Criteria Air Pollutant Controls – Construction Related.</p> <p>AQ.3: Exposure to Air Pollution (Toxic Air Contaminants).</p> <p>AQ.4: Stationary Sources of Air Pollution (Toxic Air Contaminants).</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p>
<p><b>Coastal Zone Management</b></p> <p>Coastal Zone Management Act, sections 307(c) &amp; (d)</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Coastal Zone Management Act Section 1453, Definitions, defines the term “coastal zone” as “...the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches...” and extending “...inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise.”</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the Coastal Zone Management Act and found that the proposed project would not involve activities within 100 feet of any shoreline, or any other activities that would require a Coastal Development Permit from the San Francisco Bay Conservation and Development Commission (BCDC). The project site is approximately 350 feet from the Lake Merritt Channel, and therefore not immediately adjacent to the Bay.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA. Since preparation of</p>

		<p>the 2018 EA, new coastal zones have not been identified in closer proximity to the project site. Therefore, the project site would not be located within a coastal zone. As shown in , the project site is located approximately 13.2 miles outside of the Coastal Zone Boundary, and, therefore, would not affect a Coastal Zone.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>California Department of Fish and Wildlife. <i>California Department of Fish and Wildlife BIOS</i>. Available at: <a href="https://apps.wildlife.ca.gov/bios6/">https://apps.wildlife.ca.gov/bios6/</a>. Accessed October 2023. (Figure 9).</p>
<p><b>Contamination and Toxic Substances</b></p> <p>24 CFR Part 50.3(i) &amp; 58.5(i)(2)</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>HUD policy, as described in Section 50.3(i) and Section 58.5(i)(2), states the following:</p> <p>(1). all property proposed for use in HUD programs be free of hazardous materials, contamination, toxic chemicals and gasses, and radioactive substances, where a hazard could affect the health and safety of occupants or conflict with the intended utilization of the property.</p> <p>(2) HUD environmental review of multifamily and non-residential properties shall include evaluation of previous uses of the site and other evidence of contamination on or near the site, to assure that occupants of proposed sites are not adversely affected by the hazards.</p> <p>(3) Particular attention should be given to any proposed site on or in the general proximity of such areas as dumps, landfills, industrial sites, or other locations that contain, or may have contained, hazardous wastes.</p> <p>(4) The responsible entity shall use current techniques by qualified professionals to undertake investigations determined necessary.</p> <p>Sites known or suspected to be contaminated by toxic chemicals or radioactive materials include, but are not limited to, sites: (i) listed on an Environmental Protection Agency (EPA) Superfund National Priorities or CERCLA List, or equivalent State list; (ii) located within 3,000 feet of a toxic or solid waste landfill site; or (iii) with an underground storage tank (UST) (which is not a residential fuel tank).</p>

	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with 24 CFR Part 50.3(i) and 58.5(i)(2). A Phase I Environmental Site Assessment (ESA) was prepared for the previously approved project by EBI Consulting (EBI). The Phase I ESA concluded that because records pertaining to the removal of USTs or sampling at the site were unavailable, the possibility of contamination was considered a recognized environmental condition (REC). Thus, a Subsurface Investigation was prepared by Advantage Environmental Consultants, LLC (AEC) in June 2018 to address the lack of information pertaining to potential soil contamination associated with the previous use of a gas station on the site. The reports concluded that the project site was not considered adversely impacted by groundwater or soil contamination, and the project would not introduce toxic, hazardous or radioactive materials to the neighborhood. The project was required to comply with all recommendations of the Subsurface Investigation as a mitigation measure, as well as comply with City of Oakland Standard Conditions of Approval related to Hazard Best Management Practices.</p> <p><b><u>Re-evaluation</u></b></p> <p>An updated Phase I ESA was prepared for the currently proposed project by Weis Environmental. The updated Phase I ESA included a review of previously conducted ESAs that included the project site; publicly available local, State, tribal, and federal environmental record sources, including the California Department of Toxic Substances Control (DTSC's) EnviroStor database; historical information sources, such as aerial photographs, fire insurance maps, and City directories; an interview with the project site owner, and a reconnaissance of the project site to review site use and current conditions.</p> <p>The review of federal, State, local, and tribal regulatory databases did not identify hazardous materials violations or discharges on the project site and did not identify contaminated facilities within the appropriate ASTM search</p>
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	<p>distances that would reasonably be expected to impact the project site.</p> <p>The nearest property to the site identified by the Phase I ESA search of environmental database records is the Dewey Academy School, the western adjoining property to the project site. Although identified on the Envirostor and RCRA NONGEN/NLR databases, releases were not reported, and the property has a status of “no action required.” In addition, the Lakeview Tower Apartments, the southern adjoining property to the project site, was listed on the RCRA NONGEN/NLR database, and does not have any reported violations.</p> <p>Indications of soil impacts, groundwater impacts, or VOCs resulting from the former adjacent gasoline station were not noted during the investigation or any previous investigations reviewed as part of the updated Phase I ESA.</p> <p>The reconnaissance of the project site was conducted on January 29, 2023. The project site was confirmed to be used as a temporary emergency shelter. Overall, the reconnaissance did not find documentation or physical evidence of soil, gas, or groundwater impairments associated with the use or past use of the project site that would indicate the likely presence of an environmental condition.</p> <p>Based on the findings of the Phase I ESA, RECs, historical RECs, and controlled RECs were not identified on the project site.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions, listed below, replace the one in the 2018 EA, and would continue to apply to the project to further reduce contamination and toxic substance impacts. The Mitigation Measure CT.1 no longer applies as the project does not include a City park with passive recreational use. A new Mitigation Measure is needed to address the updated Subsurface Investigation. As a result, the proposed project would be consistent with HUD policy, as</p>
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		<p>described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2).</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>CT1 Soil Interim Controls</p> <p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>CT2 Hazard Best Management Practices</p> <p><b><u>New Mitigation Measures</u></b></p> <p>CT.3. The project applicant shall submit the Subsurface Investigation prepared for the project by Advantage Environmental Consultants, LLC to the applicable regulatory agency with jurisdiction for review and approval, and comply with all applicable recommendations of the report and any further agency requirements.</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>CT.1. Hazardous Materials Related to Construction.</p> <p>CT.2. Hazardous Building Materials and Site Contamination.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p> <p>Weis Environmental. <i>Phase I East 12<sup>th</sup> Street Oakland, CA</i>. January 31, 2023. (Appendix H).</p>
<p><b>Endangered Species</b></p> <p>Endangered Species Act of 1973, particularly section 7; 50 CFR Part 402</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Endangered Species Act of 1973, as amended, and its implementing regulations were designed to protect and recover species in danger of extinction and the ecosystems that they depend upon. When passed, the Endangered Species Act spoke specifically to the value of conserving species for future generations. In passing the Endangered Species Act, Congress recognized a key fact that subsequent scientific understanding has only confirmed: the best way to protect species is to conserve their habitat.</p>

	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the Endangered Species Act and concluded that Federal Endangered and Threatened plant and wildlife species may be present in the vicinity of the project site. However, aquatic habitat does not exist on the project site for fish or crustaceans. Wetlands, riparian habitats, or Critical Habitats do not exist on the project site. The project site is located in an urban area, is currently vacant, and was previously used for construction staging. Lake Merritt and the Lake Merritt Channel were particularly sensitive areas with regard to birds. The project was required to implement City of Oakland Standard Conditions of Approval related to bird collision reduction, and therefore, the 2018 EA concluded that the proposed project would not result in adverse effects related to endangered species.</p> <p><b><u>Re-evaluation</u></b></p> <p>In addition to the species identified by the 2018 EA, a query of the USFWS Environmental Conservation Online System (ECOS) Information for Planning and Consultation (IPaC) was conducted for the currently proposed project. According to the ECOS IPaC, in addition to the species identified in the 2018 EA, the following species are known to occur in the area: (14) California clapper rail; (15) Alameda whipsnake; (16) green sea turtle; (17) foothill yellow-legged frog; and (18) monarch butterfly. The IPaC query additionally concluded that critical habitat is not available on-site.</p> <p>A query of the California Natural Diversity Database (CNDDDB) was also conducted to further ascertain the potential for plant or wildlife species protected under the Endangered Species Act to occur within the project region. The query encompassed the U.S. Geological Survey (USGS) Oakland West quadrangle, as well as the eight surrounding quadrangles. In addition to the species identified by IPaC, the CNDDDB returned records for the following federally listed plant and wildlife species that have previously occurred within the nine-</p>
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	<p>quadrangle search area: (19) green sturgeon; (20) Franciscan manzanita; (21) Presidio manzanita; (22) pallid manzanita; (23) marsh sandwort; (24) San Bruno elfin butterfly; (25) Tiburon mariposa-lily; (26) Tiburon paintbrush; (27) Presidio clarkia; (28) southern sea otter; (29) Bay checkerspot butterfly; (30) Marin western flax; (31) Mission blue butterfly; (32) Contra Costa goldfields; (33) San Francisco lessingia; (34) white-rayed pentachaeta; (35) callippe silverspot butterfly; (36) longfin smelt; (37) Tiburon jewelflower; (38) eulachon; (39) San Francisco gartersnake; and (40) two-fork clover.</p> <p>The project site is located within a previously mass graded area as a result of the East 12<sup>th</sup> Street Reconstruction Project, and is currently paved. As such, the project site is limited in its ability to support the 40 plant and wildlife species identified by the 2018 EA, IPaC, and CNDDDB. Additionally, a total of 17 federally listed plant species are identified as having the potential to occur within the vicinity of the project site. However, due to the significant previous disturbance of the project site and lack of suitable habitat, none of the aforementioned species are anticipated to occur on-site.</p> <p>Finally, the project site has been used as a temporary housing village, as well as being previously developed with a roadway prior to the East 12<sup>th</sup> Reconstruction Project, which substantially limits the site's ability to contain habitat necessary for accommodating protected plant and wildlife species. Therefore, the species listed above would not occur within the project site.</p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA, and therefore, would not result in additional impacts related to endangered species. Also, because the currently proposed project no longer includes the North Commons and the parking podium, and there is a reduction in the amount of glass and fenestration adjacent to Lake Merritt, the City's Standard Condition of Approval related Bird Collision Reductions is no longer necessary (BIO1).</p>
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		<p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>BIO1: Bird Collision Reduction</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>None Required</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and D.</p> <p>U.S. Fish &amp; Wildlife Service. <i>IPaC: Information for Planning and Consultation</i>. Available at: <a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a>. Accessed October 2023. (Appendix H).</p> <p>California Department of Fish and Wildlife. <i>California Natural Diversity Database: Rarefind 5</i>. Available at: <a href="https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx">https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx</a>. Accessed October 2023. (Appendix H).</p> <p>U.S. Fish and Wildlife Service. <i>California Clapper Rail</i>. Available at: <a href="https://www.fws.gov/species/california-clapper-rail-rallus-longirostris-obsoletus">https://www.fws.gov/species/california-clapper-rail-rallus-longirostris-obsoletus</a>. Accessed October 2023. (Appendix H).</p> <p>U.S. Fish and Wildlife Service. <i>Alameda Whipsnake</i>. Available at: <a href="https://www.fws.gov/species/alameda-whipsnake-masticophis-lateralis-euryxanthus">https://www.fws.gov/species/alameda-whipsnake-masticophis-lateralis-euryxanthus</a>. Accessed October 2023. (Appendix H).</p>
<p><b>Explosive and Flammable Hazards</b></p> <p>24 CFR Part 51 Subpart C</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>Regulations set forth in 24 CFR Part 51 Subpart C require HUD-assisted projects to be separated from hazardous facilities that store, handle, or process hazardous substances by a distance based on the contents and volume of the facilities' aboveground storage tank (AST), or to implement mitigation measures. The requisite distances are necessary, because project sites that are too close to facilities handling, storing, or processing conventional fuels, hazardous gases, or chemicals of an explosive or flammable nature may expose</p>

occupants or end-users of a project to the risk of injury in the event of a fire or an explosion.

**2018 EA**

The 2018 EA analyzed potential conflicts in accordance with 24 CFR 51 D and found that the project site is located in an area surrounded by residential, commercial, institutional, and open space land uses, and not located near any explosive or thermal source hazards.

**Re-evaluation**

The currently proposed project would occur within the same development footprint analyzed in the 2018 EA. However, the California Environmental Protection Agency (CalEPA) Regulated Site Portal was used to identify ASTs within one mile of the project site. 23 ASTs exist within one mile of the project site. Using HUD’s Acceptable Separation Distance (ASD) Electronic Assessment Tool, the ASD associated with the tanks was calculated based on the size of the tanks and conservative assumptions (see Table 3).

**Table 3  
ASTs Within One Mile of Project Site**

<b>Site Name</b>	<b>Maximum Tank Size Gallons</b>	<b>Approx. Distance from Project Site (feet)</b>	<b>ASD from People / Buildings</b>
Laney College	500	1,363	207.2/36 .5
BART Metro Center	4,000	2,100	492.74/9 5.44
County of Alameda GSA Admin. Building	2,700	1,785	418.32/7 9.58
County of Alameda GSA AlcoPark Garage	60,000	2,150	1,522.57 /333.76
BART Oakland Shop	500	2,195	207.2/36 .5
Lakeside Plaza	120	1,870	114.34/1 8.87

		EBMUD Fleet Maintenance Building	3,000	4,660	437.09/8 3.56
		EBMUD Admin. Building	3,000	3,680	437.09/8 3.56
		Oakland Marriott City Center	600	4,300	223.55/3 9.7
		1330 Broadway Building	1,200	4,120	298.39/5 4.7
		Alameda County Employees' Retirement Association	1,200	4,610	298.39/5 4.7
		City Hall	1,200	4,700	298.39/5 4.7
		Wilson Building	1,200	4,430	298.39/5 4.7
		Rotunda Building	1,200	4,560	298.39/5 4.7
		17 <sup>th</sup> & Broadway Apartments	N/A	4,445	N/A
		AT&T Californian – Q1002	60,000	4,200	1,522.57 /333.76
		Alameda Contra Costa Transit District (General Office)	3,000	3,930	437.09/8 3.56
		SOF XI WFO Harrison Owner, LLC	600	3,850	223.55/3 9.7
		Lake Merritt Plaza	600	4,100	223.55/3 9.7
		Caltrans – District 4 Office	3,000	5,090	437.09/8 3.56
		Center 21	1,200	4,990	298.39/5 4.7
		CIM/Oakland 1 Kaiser Plaza, LP	3,000	4,700	437.09/8 3.56
		Lake Merritt Tower	600	4,990	223.55/3 9.7
		As shown in Table 3, all of the 23 AST sites within one mile of the project site are located at distances greater than the ASD associated with each tank. Therefore, the project site is located at a distance from the AST sites that exceeds the minimum ASD and, thus, a			

		<p>substantial adverse effect associated with siting HUD-assisted projects near explosive and flammable hazards, as regulated by 24 CFR Part 51 Subpart C, would not occur.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>California Environmental Protection Agency. <i>CalEPA Regulated Site Portal</i>. Available at: <a href="https://siteportal.calepa.ca.gov/nsite/map/result">https://siteportal.calepa.ca.gov/nsite/map/result</a>. Accessed October 2023. (Appendix H).</p> <p>U.S. Department of Housing and Urban Development. <i>Acceptable Separation Distance (ASD) Electronic Assessment Tool</i>. Available at: <a href="https://www.hudexchange.info/programs/environmental-review/asd-calculator/">https://www.hudexchange.info/programs/environmental-review/asd-calculator/</a>. Accessed October 2023. (Appendix H).</p>
<p><b>Farmlands Protection</b></p> <p>Farmland Protection Policy Act of 1981, particularly sections 1504(b) and 1541; 7 CFR Part 658</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The importance of farmlands to the national and local economy requires the consideration of the impact of activities on land adjacent to prime or unique farmlands. The purpose of the Farmland Protection Policy Act (FPPA) (7 USC Section 4201 et seq, implementing regulations 7 CFR Part 658, of the Agriculture and Food Act of 1981, as amended) is to minimize the effect of federal programs on the unnecessary and irreversible conversion of farmland to nonagricultural uses.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 analyzed potential conflicts in accordance with the FPPA and found that the project site is located in an urban and developed area and is not suitable for or identified as farmland, and, therefore, federally designated farmlands have not been identified.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA, and therefore, would not result in additional impacts related to farmlands. New prime farmland has not been identified within the project site. Furthermore,</p>

		<p>pursuant to the California Department of Conservation Farmland Mapping and Monitoring Program, the project site is designated as Urban and Built-up Land. Thus, a substantial adverse effect on farmlands would not occur.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>California Department of Conservation. <i>California Important Farmland Finder</i>. Available at: <a href="https://maps.conservation.ca.gov/dlrp/ciff/">https://maps.conservation.ca.gov/dlrp/ciff/</a>. Accessed October 2023. (Appendix H).</p>
<p><b>Floodplain Management</b> Executive Order 11988, particularly section 2(a); 24 CFR Part 55</p>	<p>Yes    No <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The provisions of Executive Order 11988, Floodplain Management, require federal activities to avoid impacts to floodplains and to avoid direct and indirect support of floodplain development to the extent practicable. For projects located within the 100-year floodplain, HUD policy provides that projects involving critical actions are subject to an eight-step process set forth in 24 CFR Part 55.20.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with Executive Order 11988 and found that the project site is not located within a SFHA, and, therefore, the proposed project would not cause an adverse effect on floodplains. As noted previously, the entirety of the project site is within Zone X, identified as an Area of Minimal Flood Hazard.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA, and, therefore, would not result in additional impacts related to floodplain management.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>Federal Emergency Management Agency. <i>Flood Insurance Rate Map</i> 06001C0067H.</p>

		Available at: <a href="https://msc.fema.gov/portal/home">https://msc.fema.gov/portal/home</a> . Accessed October 2023. (Figure 7).
<p><b>Historic Preservation</b></p> <p>National Historic Preservation Act of 1966, particularly sections 106 and 110; 36 CFR Part 800</p>	<p>Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p>	<p>The National Historic Preservation Act (NHPA) (16 USC 470 et seq.) directs each federal agency, and those tribal, State, and local governments that assume federal agency responsibilities, to protect historic properties and to avoid, minimize, or mitigate possible harm that may result from agency actions. The review process, known as Section 106 review, is detailed in 36 CFR Part 800. Early consideration of historic places in project planning and full consultation with interested parties are key to effective compliance with Section 106. The State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO) are primary consulting parties in the process.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the NHPA. As part of the project analysis, a Cultural Resource Study (CRS) was prepared and sent to the SHPO, which included an evaluation of both historic and archeological resources. The CRS determined that the discovery of historic cultural resources or tribal cultural resources is not anticipated to occur during development of the proposed project, and the proposed project would not result in adverse effects on historic properties. A response from the SHPO was received on August 27, 2018, which stated no objection with the City’s finding of No Adverse Effect.</p> <p>Nonetheless, the 2018 EA included City of Oakland Standard Conditions of Approval to address potential adverse effects to cultural resources and human remains, as well as a mitigation measure requiring either an intensive pre-construction study or a construction ALERT sheet prior to the approval of a construction-related permit and during construction.</p>

		<p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA and would have a similar design, and therefore, would not result in additional impacts related to historic preservation beyond what was previously analyzed. New historic resources have not been identified within the project site, and, therefore, impacts related to historic preservation would remain the same as anticipated in the previously prepared CRS. Additionally, the currently proposed project would involve less excavation due to the removal of the underground parking garage.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions, listed below, replace those in the 2018 EA and would continue to apply to the project to further reduce archeological, paleontological, and cultural impacts. The mitigation measure is still required. As a result, the proposed project would be consistent with HUD policy, as described in 24 CFR Part 50.3(i) and 24 CFR 58.5(i)(2) and would not result in adverse effects related to historic preservation.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>CR1. Intensive Pre-Construction Study or Construction ALERT Sheet</p> <p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>CR2. Archaeological Resources.</p> <p>CR3. Human Remains – Discovery During Construction.</p> <p>CR4. Paleontological Resources</p> <p><b><u>New Mitigation Measures</u></b></p> <p>CR.1 Intensive Pre-Construction Study or Construction ALERT Sheet</p>
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		<p><b><u>New Standard Conditions of Approval</u></b></p> <p>CR.2 Archaeological and Paleontological Resources – Discovery During Construction</p> <p>CR.3 Human Remains- Discovery During Construction</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and D.</p>
<p><b>Noise Abatement and Control</b></p> <p>Noise Control Act of 1972, as amended by the Quiet Communities Act of 1978; 24 CFR Part 51 Subpart B</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>According to HUD’s noise standards set forth in 24 CFR Part 51, Subpart B, all sites whose environmental or community noise exposure exceeds the day night average sound level (DNL) of 65 decibels (dB) are considered noise-impacted areas. HUD guidance includes screening criteria to assist in evaluating a project’s consistency with the foregoing standard. Pursuant to HUD guidance, potentially significant noise generators within the vicinity of a project include major roadways, if within 1,000 feet of a project site, railroads, if within 3,000 feet, and military or Federal Aviation Administration-regulated (FAA) airfields, if within 15 miles. Documentation that a project is not within the applicable distances to the foregoing noise generators demonstrates compliance with HUD’s noise standard. If within the aforementioned distance, a project may show the noise level is at or below 65 dB to demonstrate consistency with the Noise Control Act of 1972.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the Noise Control Act of 1972 and concluded that the project site is adjacent to East 12<sup>th</sup> Street, 2<sup>nd</sup> Avenue, and Lake Merritt Boulevard. Additionally, the nearest railroad is the Capitol Corridor Railroad, located approximately 2,400 feet to the south. Therefore, the project site is located within 3,000 feet of an active railroad. However, because of the intervening terrain and distance from the project site, the 2018 EA concluded that railroad noise does not influence the existing noise environment of the project site. The nearest airport is the Oakland International</p>

		<p>Airport, located approximately four miles to the southeast of the project site.</p> <p>Pursuant to HUD requirements, the 2018 EA included analysis of the existing and future noise environment at the project site due to the nearby major roadways and railroad. An Acoustics Analysis was conducted for the previously proposed project, which included one short-term (15-minute) noise measurement and three long-term (24-hour) noise measurements on the project site. The short-term measurement indicated that ambient noise at the project site is approximately 61.7 dBA <math>L_{eq}</math>. During the 15-minute interval, vehicle traffic produced a maximum noise level of 79.9 dBA <math>L_{max}</math> and a minimum noise level of 50.4 dBA <math>L_{min}</math>. The long-term noise measurement identified maximum peak hourly average noise level as 70.7 dBA <math>L_{eq}</math> and the average day-night noise level as 69.8 dBA <math>L_{dn}</math>. In addition, based on traffic on East 12<sup>th</sup> Street and 2<sup>nd</sup> Avenue, the HUD Day/Night Noise Level Calculator indicated that existing noise levels on the project site are approximately 67.6 dBA <math>L_{dn}</math>.</p> <p>The 2018 EA concluded that barriers, berms, or site design would not be feasible in attenuation of the existing noise levels. Based on USEPA Protective Noise Levels, with a combination of walls, doors, and windows, standard construction for Northern California residential buildings (a minimum of STC-28) would provide more than 25 dBA in exterior-to-interior noise reduction with windows closed and 15 dBA or more with windows open. An alternative form of ventilation, such as air conditioning, would be required for the proposed project in order to ensure windows would remain closed. A ventilation system would reduce noise levels for residents with windows closed to 42.6 dBA <math>L_{dn}</math> (i.e., 67.6 dBA – 25 dBA = 42.6 dBA), which would be below the 45 dBA <math>L_{dn}</math> interior noise standard for residential land uses. Therefore, with inclusion of a fresh air ventilation system, the proposed project would have an acceptable indoor noise environment of below 45 dBA <math>L_{dn}</math> for residential land uses consistent with HUD’s interior noise standards.</p>
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		<p>Finally, with respect to outdoor areas, the 2018 EA evaluated potential noise impacts to previously proposed outdoor areas, including an outdoor area that would have been located between the North Commons Building and South Commons Building. The 2018 EA found that the foregoing area would be exposed to noise levels of 67.6 dBA L<sub>dn</sub>. To ensure noise levels in the aforementioned area comply with HUD’s 65 dBA standard, the 2018 EA set forth Mitigation Measure NOI.3., which required installation of a glass barrier at the perimeter of the previously proposed dog run nearest to East 12<sup>th</sup> Street to reduce noise levels generated by traffic along East 12<sup>th</sup> Street to approximately 57.6 to 62.6 dBA.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA and would be less intense with the same use. Specifically, the North Commons building, 2<sup>nd</sup> floor pool area, and dog run have been removed from the proposed project design. As such, a new noise analysis has been conducted as part of this Environmental Assessment using the HUD Day/Night Noise Level Calculator to estimate traffic noise from Lake Merritt Boulevard at the ground-floor courtyard area.</p> <p>The following analysis is based on current peak hour volumes provided by the City of Oakland for the intersection of International Boulevard and Lake Merritt Boulevard/1<sup>st</sup> Avenue. The total average daily trips trip (ADT) volume along Lake Merritt Boulevard approximately 120 feet to the north of the ground-floor exterior courtyard is 26,740 cars and 370 heavy vehicles. The total average daily trips trip (ADT) volume along International Boulevard approximately 430 feet to the east of the ground-floor exterior courtyard is 4,670 cars and 190 heavy vehicles.</p> <p>According to the HUD Day/Night Noise Level Calculator, noise at the ground-floor courtyard area generated by vehicle traffic traveling Lake Merritt Boulevard/1<sup>st</sup> Avenue and International Boulevard would be 65 dB DNL. Thus, noise</p>
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	<p>generated from major roadways in the vicinity of the project site would be within HUD’s 65 dB DNL standard at the ground-floor exterior courtyard.</p> <p>In order to evaluate a 10-year noise projection for vehicles traveling along Lake Merritt Boulevard and International Boulevard, this analysis uses the General Plan EIR to calculate a projection factor. The Oakland General Plan EIR does not include average daily traffic (ADT) volumes for Lake Merritt Boulevard. However, given that Lake Merritt Boulevard transitions into becoming Lakeshore Drive approximately 930 feet from the East 12<sup>th</sup> Street/Lake Merritt Boulevard intersection, the ADT volume of Lakeshore Drive is reasonably assumed to be representative of traffic volumes along Lake Merritt Boulevard. ADT along Lakeshore Drive in 2013 was 13,850 with a 2030 ADT projection of 13,300. Applying the same projection rate to an existing ADT of 27,610 for all vehicles along Lake Merritt Boulevard/1<sup>st</sup> Avenue, the projected 2030 ADT would be 26,965. ADT along International Boulevard in 2013 was 12,680 with a 2030 ADT projection of 13,500. Applying the same projection rate to an existing ADT of 4,860 for all vehicles along International Boulevard in the vicinity of the project site, the projected 2030 ADT would be 5,045.</p> <p>According to the HUD Day/Night Noise Level Calculator, noise at the ground-floor courtyard area generated by vehicle traffic traveling Lake Merritt Boulevard/1<sup>st</sup> Avenue and International Boulevard in 2030 would be 60 dB DNL. Thus, noise generated from major roadways in the vicinity of the project site would be below HUD’s 65 dB DNL standard at the ground-floor exterior courtyard in 2033.</p> <p>With respect to the second-floor courtyard currently proposed by the project, the courtyard would be oriented to face the southwest boundary of the project site. Based on such orientation, the second-floor courtyard would be oriented away from the major noise sources that affect that project site (i.e., noise generated by traffic along Lake Merritt Boulevard and East 12<sup>th</sup> Street). However, noise generated</p>
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		<p>from vehicle traveling along 2<sup>nd</sup> Avenue to the south of the project site could potentially affect receptors at the second-floor courtyard. A new noise analysis has been conducted as part of this Environmental Assessment using the HUD Day/Night Noise Level Calculator to estimate traffic noise from 2<sup>nd</sup> Avenue at the second-floor courtyard area. Because the Oakland General Plan EIR does not include ADT volumes for 2<sup>nd</sup> Avenue, the analysis used the 3,100 ADT volume estimated for 3<sup>rd</sup> Avenue under 2030 conditions in the General Plan EIR, given that 3<sup>rd</sup> Avenue is located a block south of 2<sup>nd</sup> Avenue and receives traffic from the same roadways in the project vicinity that also affect volumes along 2<sup>nd</sup> Avenue. As such, ADT volumes along 3<sup>rd</sup> Avenue are reasonably assumed to be representative of traffic volumes along 2<sup>nd</sup> Avenue. According to the HUD Day/Night Noise Level Calculator, noise at the second-floor courtyard area generated by vehicle traffic traveling along 2<sup>nd</sup> Avenue would be 47 dB DNL. In addition, 2<sup>nd</sup> Avenue is not a designated truck route by the City of Oakland. Therefore, the second-floor courtyard area is reasonably assumed to not be susceptible to substantial noise generated by trucks. Additionally, due to the existing structures adjacent to the project site's southwestern boundary, noise generated by traffic traveling along 2<sup>nd</sup> Avenue would be attenuated at the southwesterly façade of the proposed building. Finally, the second-floor courtyard would include a barrier along the courtyard's southwesterly boundary as a safety feature for courtyard guests, which would serve to further reduce noise exposure. Thus, noise generated from 2<sup>nd</sup> Avenue would be below HUD's 65 dB DNL standard at the second-floor exterior courtyard.</p> <p>Based on the above, the proposed project would not result in an interior or exterior noise impact at the project site above HUD's acceptable noise levels and impacts to the Noise Control Act of 1972 would not occur.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>NOI.1. Exposure to Community Noise.</p>
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		<p>NOI.4. Mechanical ventilation systems (e.g., air conditioning or other forced air system) for all units shall be required so that windows and doors can remain closed for a prolonged period of time.</p> <p>NOI.5. Standard construction with a combination of walls, doors, and windows with a minimum STC rating of 28 shall be implemented for all rooms.</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>The proposed project would be subject to the following City of Oakland Standard Conditions of Approval.</p> <p>NOI.1. Interior Noise.</p> <p>NOI.2. Operational Noise – General.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>City of Oakland. <i>Existing Traffic Count Data for International Boulevard – Lake Merritt Boulevard/1<sup>st</sup> Avenue</i>. May 5, 2021.</p> <p>City of Oakland. <i>Phase I Oakland 2045 General Plan Update Environmental Impact Report</i>. [pgs. 4.15-4 and 4.15-6]. March 2023. (Appendix H).</p> <p>U.S. Department of Housing and Urban Development. <i>DNL Calculator</i>. Available at: <a href="https://www.hudexchange.info/programs/environmental-review/dnl-calculator/">https://www.hudexchange.info/programs/environmental-review/dnl-calculator/</a>. Accessed January 2024. (Appendix H).</p>
<p><b>Sole Source Aquifers</b></p> <p>Safe Drinking Water Act of 1974, as amended, particularly section 1424(e); 40 CFR Part 149</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Aquifers and surface water are drinking water systems that may be impacted by development. The Safe Drinking Water Act of 1974 requires protection of drinking water systems that are the sole or principal drinking water source for an</p>

		<p>area and which, if contaminated, would create a significant hazard to public health.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts with accordance with the Safe Drinking Water Act of 1974, and concluded that aquifers subject to a Memorandum of Understanding (MOU) between the USEPA and HUD do not exist in Alameda County, and, water supply for the proposed project would be supplied by EBMUD. Therefore, the proposed project would not affect the quality or viability of a sole source aquifer.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA and would be less intense with the same use, and, therefore, would not result in additional impacts related to sole source aquifers beyond what was previously analyzed. The project site is located approximately 47 miles from the nearest boundary of a designated sole source aquifer region (Santa Margarita, Scotts Valley sole source aquifer). Therefore, impacts to the Safe Drinking Water Act of 1974, as amended, would not occur.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendix B.</p>
<p><b>Wetlands Protection</b></p> <p>Executive Order 11990, particularly sections 2 and 5</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>According to the USEPA, wetlands are characterized by hydrology, soils, and vegetation.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with Executive Order 11990 and concluded that the project site is located within an urbanized portion of the City, and wetlands identified by the NWI are not located on the project site. Furthermore, wetlands would not be directly or indirectly affected by the proposed project, and, therefore, further consultations are not required.</p>

		<p><b><u>Re-evaluation</u></b></p> <p>Since 2018, additional wetlands have not been identified. Pursuant to the NWI, the nearest surface water source to the project site is Lake Merritt Channel, which is an estuarine and marine deepwater habitat located approximately 170 feet west of the project site (see Figure 8). The NWI classifies the nearby freshwater emergent wetland as E1UBL.</p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA and would be less intense with the same use, and, therefore, would not result in additional impacts related to wetlands protection.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>U.S. Fish &amp; Wildlife Service. <i>National Wetlands Inventory</i>. Available at: <a href="https://www.fws.gov/wetlands/data/Mapper.html">https://www.fws.gov/wetlands/data/Mapper.html</a>. Accessed October 2023. (Figure 8).</p>
<p><b>Wild and Scenic Rivers</b></p> <p>Wild and Scenic Rivers Act of 1968, particularly section 7(b) and (c)</p>	<p>Yes    No  <input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) provides federal protection for certain free-flowing, wild, scenic, and recreational rivers designated as components or potential components of the National Wild and Scenic Rivers System (NWSRS). The NWSRS was created by Congress in 1968 to preserve certain rivers with outstanding natural, cultural, and recreational values in a free-flowing condition for the enjoyment of present and future generations.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with the Wild and Scenic Rivers Act of 1968 and concluded that wild and scenic rivers do not exist within Alameda County, and, therefore, the proposed project would not adversely affect a Wild and Scenic River. The nearest wild and scenic river to the project site is the American River, which is located approximately 68 miles north of the project site (see Figure 11).</p>

		<p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur on the same development footprint analyzed in the 2018 EA and would be less intense with the same use, and, therefore, would not result in additional impacts related to wild and scenic rivers beyond what was previously analyzed. Because the project site is not within the vicinity of a Wild and Scenic River, implementation of the proposed project would not conflict with the Wild and Scenic Rivers Act 1968.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>U.S. Forest Service, National Park Service, Bureau of Land Management and the Fish and Wildlife Service. <i>National Wild and Scenic Rivers System</i>. Available at: <a href="https://www.rivers.gov/california.php">https://www.rivers.gov/california.php</a>. Accessed October 2023. (Figure 11).</p>
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**ENVIRONMENTAL JUSTICE**

<p><b>Environmental Justice</b></p> <p>Executive Order 12898</p>	<p>Yes    No</p> <p><input type="checkbox"/>    <input checked="" type="checkbox"/></p>	<p>Environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations requires certain federal agencies, including HUD, to consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential conflicts in accordance with Executive Order 12898 and concluded that the proposed project would not have a disproportionately high and adverse human health or environmental effect on minority and low-income populations. With compliance with the mitigation measures and the City’s Standard Conditions of Approval,</p>
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		<p>significant and unmitigable effects were not identified.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA and would be less intense with the same use, and, therefore, would not result in additional impacts related to environmental justice beyond what was previously analyzed. Based on the above, the proposed project would not result in adverse human health or environmental effects on minority and low-income populations, and impacts related to Executive Order 12898 would not occur.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p>
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**Environmental Assessment Factors** [24 CFR 58.40; Ref. 40 CFR 1508.8 &1508.27] Recorded below is the qualitative and quantitative significance of the effects of the proposal on the character, features and resources of the project area. Each factor has been evaluated and documented, as appropriate and in proportion to its relevance to the proposed action. Verifiable source documentation has been provided and described in support of each determination, as appropriate. Credible, traceable and supportive source documentation for each authority has been provided. Where applicable, the necessary reviews or consultations have been completed and applicable permits of approvals have been obtained or noted. Citations, dates/names/titles of contacts, and page references are clear. Additional documentation is attached, as appropriate. **All conditions, attenuation or mitigation measures have been clearly identified.**

**Impact Codes:** Use an impact code from the following list to make the determination of impact for each factor.

- (1) Minor beneficial impact
- (2) No impact anticipated
- (3) Minor Adverse Impact – May require mitigation
- (4) Significant or potentially significant impact requiring avoidance or modification which may require an Environmental Impact Statement

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>LAND DEVELOPMENT</b>		
Conformance with Plans / Compatible Land Use and Zoning / Scale and Urban Design	2	<p>The following discussions assess the potential impacts associated with development of the proposed project related to conformance with land use plans, zoning and urban design.</p> <p><b><u>General Plan and Zoning</u></b></p> <p><u>2018 EA</u></p> <p>The 2018 EA analyzed potential impacts related to conformance with plans, and land use and zoning designations, and concluded that the project site is located within the Urban Residential General Plan land use designation which primarily allows for multi-unit, mid-rise, or high-rise residential structures in locations with access to transportation and other public services. The project is also located in the LMSAP, and is zoned LMSAP District Urban Residential (D-LM-1). The 2018 EA concluded that the proposed 91-unit residential building with ground floor retail space is consistent with the intended land use, character, and density of the General Plan.</p> <p><u>Re-evaluation</u></p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA and would be less intense with the same use. The General Plan designation has not changed, nor has the zoning. As such, the project is still consistent with both.</p>

		<p><b><u>Scale and Urban Design</u></b></p> <p><u>2018 EA</u></p> <p>The 2018 EA analyzed potential conflicts with Urban Design guidelines and concluded that the proposed design would be compatible with the surrounding developments within the LMSAP area in terms of setting, scale, bulk, height, materials, and textures, especially when compared to the southern adjoining Lakeview Towers Apartments. The planning applications, plans, and drawings for the previously proposed design were approved by the Zoning Manager and were deemed appropriate and compliant with City standards. To further ensure compatibility with the guidelines and zoning code, a mitigation measure was added to ensure the café was close to the street corner.</p> <p><u>Re-evaluation</u></p> <p>The currently proposed project would occur within the same development footprint analyzed and with approximately the same design as was analyzed in the 2018 EA. The planning applications, plans, and drawings for the proposed design were again approved by the Zoning Manager and were deemed appropriate and compliant with City standards. However, because the tower and café are not currently proposed, the previous mitigation measure (PL1) is no longer necessary.</p> <p>Thus, substantial adverse effects related to conformance with plans, compatibility with land use and zoning, and scale and urban design would not occur.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>PL1: Café Location</p> <p><b><u>New Mitigation Measures</u></b></p> <p>None required</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and D.</p>
Soil Suitability / Slope / Erosion / Drainage / Storm Water Runoff	2	<p>The following discussions assess the potential impacts associated with development of the proposed project related to soil suitability, slope, and erosion, drainage, and stormwater runoff.</p> <p>The 2018 EA analyzed such impacts based on a Geotechnical Investigation prepared in September 2017.</p>

	<p><b><u>Soil Suitability</u></b></p> <p><u>2018 EA and Re-evaluation</u></p> <p>The 2018 EA did not evaluate potential adverse effects related to soil suitability. A query of the U.S. Department of Agriculture (USDA) Natural Resources Conservation Service Web Soil Survey was conducted to ascertain the project site’s soil suitability with respect to construction and operation of the proposed project. According to the Web Soil Survey, the site is underlain with Urban land- Baywood complex. According to the Web Soil Survey, Urban land – Baywood complex does not have a rating for dwellings without basements, and thus, shrink-swell potential is considered minimal. In addition, pursuant to the LMSAP EIR, most of soils within the planning area are unlikely to exhibit shrink-swell behavior. Thus, the proposed project would not result in substantial adverse effects related to soil suitability.</p> <p><b><u>Slope and Erosion</u></b></p> <p><u>2018 EA and Re-evaluation</u></p> <p>The 2018 EA concluded that the project site is relatively flat and is not susceptible to slope instabilities, including landslides. As such, potential impacts related to slope would not occur. The project site is located in an urban area and has been subject to previous disturbance. The 2018 EA also concluded that grading changes to site conditions, including ground level open space and bioswales, could cause erosion or the loss of topsoil. Nonetheless, plans demonstrating BMPs for erosion, sedimentation, and water quality impacts to the maximum extent practicable must be submitted for review and approval by the City of Oakland Planning and Zoning Division and Building Services Division. For example, appropriate filter materials would be provided at nearby catch basins to prevent debris flowing into the City’s storm drain systems, creeks, and the Lake Merritt Channel.</p> <p>During operations, vehicles would be limited to paved areas of the site, and all surfaces would be either paved or landscaped; thus, potential adverse effects related to erosion during project operations would not occur.</p> <p>In addition, the City adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval would further reduce any erosion impacts.</p>
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	<p><b><u>Drainage and Stormwater Runoff</u></b></p> <p><u>2018 EA</u></p> <p>The 2018 EA concluded that construction activities occurring at the project site would have the potential to impact water quality for receiving water bodies by generating polluted runoff or soils, especially into the Lake Merritt Channel. The City of Oakland Municipal Code Section 13.16.100 would be applicable to the proposed project and would require the implementation of standard BMPs to minimize the generation, discharge and runoff of stormwater pollution during construction.</p> <p>During project operation, stormwater management on the project site would be required to comply with the requirements of Provision C.3 of the National Pollution Discharge Elimination System (NPDES) permit issued to the Alameda Countywide Clean Water Program. A stormwater management plan would be required to manage stormwater runoff and limit discharge of pollutants in stormwater during operation of the proposed project. Implementation of source control measures at the project site and compliance with the aforementioned requirements would ensure substantial adverse effects related to drainage and runoff do not occur. In addition, the City adopted Uniformly Applied Development Standards imposed as Standard Conditions of Approval would further reduce any drainage or stormwater impacts.</p> <p><u>Re-evaluation</u></p> <p>While the project site has been mass graded and paved since preparation of the 2017 Geotechnical Investigation, the currently proposed project would be constructed within the development footprint previously analyzed in the 2018 EA and would have a smaller, but similar, development plan, including stormwater management.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions replace the ones in the 2018 EA and continue to apply to the project to further reduce erosion, drainage and stormwater impacts. Based on the above, substantial adverse effects related to soil suitability, slope and erosion, and drainage and stormwater runoff would not occur.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>None Required</p>
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		<p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>SS1: Erosion and Sedimentation Control Plan.</p> <p>SS2: Post Construction Stormwater Management Plan</p> <p>SS3: Maintenance Agreement for Stormwater Treatment Measures</p> <p>SS4: Stormwater and Sewer</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>SS.1: Erosion and Sedimentation Control Plan for Construction</p> <p>SS.2: NPDES C.3 Stormwater Requirements for Regulated Projects</p> <p>SS.3: Sanitary Sewer System</p> <p>SS.4: Storm Drain System</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and D.</p> <p>U.S. Department of Agriculture, Natural Resources Conservation Service. <i>Web Soil Survey</i>. Available at: <a href="https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx">https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx</a>. Accessed October 2023. (Appendix H).</p>
<p>Hazards and Nuisances including Site Safety and Noise</p>	<p>2</p>	<p>The following discussions assess the potential impacts associated with development of the proposed project related to hazards and site safety, including natural hazards, air pollution generators, man-made site hazards, and nuisances such as noise.</p> <p><b><u>Natural Hazards</u></b></p> <p><b><u>2018 EA and Re-evaluation</u></b></p> <p>According to the 2018 EA, natural hazards to which the proposed project could potentially be subject include regional seismicity, geologic hazards, ground shaking, fault rupture, liquefaction, and settlement.</p> <p>The 2018 EA concluded that the LMSAP identified that much of the planning area, particularly along the Lake Merritt Channel, is located within a severe shaking intensity zone. However, the project site is located outside a seismic hazard zone and is within an area of low liquefaction susceptibility. The project site is generally flat and is not located within an area susceptible to</p>

	<p>landslides or in an area of known unstable soil conditions. The project applicant would be required to prepare a soils report and geotechnical report to ensure that the individual development project does not expose people or structures to an unacceptable level of risk during a large regional earthquake as Standard Conditions of Approval. In addition, the project would be required to comply with the California Building Code's current seismic standards, which require specific design parameters for construction in various seismic environments.</p> <p>The soils conditions were mistakenly left out of the most recent approval letter, so these would be retained as Mitigation Measures. Thus, substantial adverse effects related to natural hazards would not occur.</p> <p><b><u>Air Pollution Generators</u></b></p> <p><u>2018 EA and Re-evaluation</u></p> <p>HUD policy necessitates the consideration of the proximity of a proposed development project to various air pollution generators, such as heavy industry, incinerators, power plants, rendering plants, cement plants, and heavily traveled highways, defined as having six or more lanes. The potential health risks associated with DPM and TAC emissions from these generators are addressed in the Clean Air section of this EA. As detailed therein, risks associated with on-site exposure to DPM from vehicle traffic are not expected and impacts associated with exposing sensitive receptors to TACs would not occur. The project applicant would be required to comply with the dust and criteria pollutant Standard Conditions of Approval.</p> <p>As previously discussed, the Conditions, listed below, would further reduce substantial adverse effects related to air pollution generators.</p> <p><b><u>Man-made Site Hazards</u></b></p> <p><u>2018 EA and Re-evaluation</u></p> <p>According to HUD policy, man-made hazards are hazards caused by human action or inaction. Such types of hazards can have an adverse impact on humans, other organisms, biomes, and ecosystems. The frequency and severity of man-made hazards are key elements in some risk analysis methodologies.</p> <p>With respect to hazards associated with transport and storage of hazardous chemicals, the use, storage, and transport of hazardous materials by developers, contractors, business owners, industrial businesses, and others are required to be in compliance with local, State, and federal regulations during project construction and</p>
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	<p>operation. Compliance with the California Health and Safety Code would ensure impacts associated with transport and storage of hazardous materials during project construction would not occur. Due to its residential nature, the proposed project would not involve the routine transport or storage of hazardous materials during project operation. The project applicant would be required to comply with the hazardous materials BMP Standard Condition of Approval during construction.</p> <p>Through compliance with all applicable standards set forth in the Oakland Municipal Code and Oakland Design Standards, the proposed project would not be subject to man-made hazards such as inadequate separation of pedestrian/vehicle traffic, inadequate street lighting, or overhead transmission lines. The project site does not include bodies of water or access to lakes.</p> <p>The project site is not located on a site identified by the DTSC's portion of Cortese list, nor is the site identified on the State Water Resources Control Board (SWRCB) GeoTracker for leaking USTs, as previously discussed in the Contamination and Toxic Substances section.</p> <p>In the event that emergency vehicles need to access the project site or residents need to evacuate, access to and from would be provided from East 12<sup>th</sup> Street by the main building entrance at the existing sidewalk on East 12<sup>th</sup> Street, as well as by the entrance to the podium level parking garage from 2<sup>nd</sup> Avenue. As such, emergency vehicles and residents would have multiple options for entering and exiting the site. Based on the above, the proposed project would be consistent with HUD policy and would not be subject to man-made site hazards.</p> <p><b><u>Nuisances</u></b></p> <p><b><u>2018 EA and Re-evaluation</u></b></p> <p>Potential nuisances to which the proposed project could be subject include noise, vibration, and odors.</p> <p>With respect to noise nuisances, some land uses are considered more sensitive to noise than others, and thus, are typically referred to as sensitive noise receptors. Land uses often associated with sensitive noise receptors generally include residences, schools, libraries, hospitals, and passive recreational areas. Noise sensitive land uses are typically given special attention in order to achieve protection from excessive noise. The closest sensitive receptor is the Dewey Academy located adjacent to the southwest boundary of the project site.</p> <p>Residential projects do not typically generate substantial operational noise. Therefore, operational noise from the proposed</p>
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	<p>project would not adversely affect the nearest receptors and operation of the project would comply with the City’s Noise Ordinance.</p> <p>Construction of the proposed project would result in temporarily increased noise levels. To address construction noise, the project would be required to implement the City’s Standard Conditions of Approval. Based on the above, adverse effects related to noise would not occur.</p> <p>The 2018 EA did not evaluate potential adverse effects related to vibration on nearby sensitive receptors. With respect to vibration, vibration involves a source, a transmission path, and a receiver, with vibration typically consisting of the excitation of a structure or surface. A person’s perception of the vibration depends on their individual sensitivity to vibration, as well as the amplitude and frequency of the source and the response of the system which is vibrating. Vibration is measured in terms of acceleration, velocity, or displacement.</p> <p>A common practice is to monitor vibration in terms of peak particle velocities (PPV) in inches per second (in/sec). Standards pertaining to perception as well as damage to structures have been developed for vibration levels defined in terms of PPV. Human and structural response to different vibration levels is influenced by a number of factors, including ground type, distance between source and receptor, duration, and the number of perceived vibration events. Pursuant to standards developed by Caltrans, the vibration level that would normally be required to result in architectural damage to structures is 0.2 in/sec PPV. Table 4 shows the typical vibration levels produced by construction equipment at various distances.</p> <table border="1" data-bbox="657 1297 1421 1579"> <thead> <tr> <th colspan="3"><b>Table 4 Vibration Levels for Various Construction Equipment</b></th> </tr> <tr> <th><b>Type of Equipment</b></th> <th><b>PPV at 25 feet (in/sec)</b></th> <th><b>PPV at 50 feet (in/sec)</b></th> </tr> </thead> <tbody> <tr> <td>Loaded Trucks</td> <td>0.076</td> <td>0.025</td> </tr> <tr> <td>Small Bulldozer</td> <td>0.003</td> <td>0.000</td> </tr> <tr> <td>Auger/drill Rigs</td> <td>0.089</td> <td>0.029</td> </tr> </tbody> </table> <p><i>Source: Federal Transit Administration, Transit Noise and Vibration Impact Assessment Guidelines, May 2006.</i></p> <p>As shown in Table 4, vibration levels generated by common construction equipment at a distance of 50 feet from the source would be at most, 0.029 in/sec PPV. At 25 feet, the maximum vibration levels generated by common construction equipment would be 0.089. Given the approximate 17-foot distance between the Dewey School and the proposed area of disturbance, vibration levels generated from on-site project construction activities at the residence would not exceed Caltrans’ 0.20 in/sec PPV threshold</p>	<b>Table 4 Vibration Levels for Various Construction Equipment</b>			<b>Type of Equipment</b>	<b>PPV at 25 feet (in/sec)</b>	<b>PPV at 50 feet (in/sec)</b>	Loaded Trucks	0.076	0.025	Small Bulldozer	0.003	0.000	Auger/drill Rigs	0.089	0.029
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<b>Type of Equipment</b>	<b>PPV at 25 feet (in/sec)</b>	<b>PPV at 50 feet (in/sec)</b>														
Loaded Trucks	0.076	0.025														
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Auger/drill Rigs	0.089	0.029														

	<p>for damage to residential structures. Therefore, groundborne vibration impacts associated with project construction would not occur.</p> <p>Finally, with respect to odors, as discussed in the Clean Air section, the project site is located within the jurisdictional boundaries of the BAAQMD. As such, the project would be required to comply with all adopted rules and regulations. BAAQMD Regulation 7 places general limitations on odorous substances and specific emission limitations on odorous compounds. Compliance with Regulation 7 would ensure the proposed project does not result in impacts related to odor. In addition, residential land uses are not known to be odor-generating uses. Therefore, project operation would not result in odor-related impacts.</p> <p>As previously discussed, the Mitigation Measures and Conditions, listed below, replace those in the 2018 EA, and would continue to apply to the proposed project to further reduce nuisance impacts. Per the Noise Abatement section of this report, mitigation related to the exposure to noise, mechanical ventilation and STC ratings are no longer applicable due to the project changes and new noise analysis. The Noise conditions have been renumbered to address this. Based on the above, substantial adverse effects related to nuisances, such as hazards, noise, vibration, and odors, would not occur.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>G1: Construction-Related Permits.</p> <p>G2: Soils Report.</p> <p>G3: Seismic Hazards Zone (Landslide/Liquefaction).</p> <p>NOI1.1: Exposure to Community Noise.</p> <p>NOI10: Mechanical Ventilation</p> <p>NOI11: STC Ratings</p> <p><b><u>New Mitigation Measures</u></b></p> <p>G.1: Construction-Related Permits.</p> <p>G.2: Soils Report.</p> <p>G.3: Seismic Hazards Zone (Landslide/Liquefaction).</p>
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		<p><b><u>New Standard Conditions of Approval</u></b></p> <p>AQ.1: Dust Controls – Construction Related.</p> <p>AQ.2: Criteria Air Pollutant Controls – Construction Related.</p> <p>CT.1: Hazardous Materials Related to Construction.</p> <p>NOI.2: Operational Noise – General.</p> <p>NOI.3 : Construction Noise</p> <p>NOI.4: Construction Days/Hours.</p> <p>NOI.5 : Extreme Construction Noise.</p> <p>NOI.6: Construction Noise Complaints.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and D.</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>SOCIOECONOMIC</b>		
Employment and Income Patterns	1	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential impacts related to employment and income patterns and concluded that the project would include 91 total affordable housing units, and, therefore, the proposed project would help fulfill the affordable housing requirements set forth in the City of Oakland’s 2015-2023 Housing Element. In addition, the proposed project would provide temporary employment for construction workers. Once operational, the proposed project would provide ongoing employment for a building manager, maintenance employees, retail employees, and other workers necessary for the operation of the building. At 91 units, impacts to employment and income patterns were expected to be less than significant.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed within the development footprint and type and intensity of development previously analyzed in the 2018 EA. The currently proposed project is anticipated to serve the same number of residents as determined by the 2018 EA, and help fulfill the City’s updated 2023-2031 Housing Element. The project would also employ approximately the same number of construction workers and full-time staff as determined by the 2018 EA. Based on the above, the</p>

		<p>project would have a potentially beneficial impact to employment and income patterns.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p>
<p>Demographic Character Changes, Displacement</p>	<p>2</p>	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential impacts related to demographics and displacement. The analysis concluded that the project would provide housing for at most 332 people based on guidelines provided by HUD regarding the number of per unit and bedroom. This percentage would represent 0.0008 percent of Oakland’s 2018 population. Therefore, the proposed project would not create a significant change to the demographic character of the area, and the impact would be less than significant. Furthermore, the project site was undeveloped and would not displace persons or businesses.</p> <p><b><u>Re-evaluation</u></b></p> <p>While the room type makeup has been altered since the preparation of the 2018 EA, the following analysis utilizes the same method for evaluation of the proposed project’s maximum number of residents. Based on guidelines provided by HUD, the maximum number of residents appropriate to multi-family unit dwellings is two persons per bedroom, plus one per unit. Thus, at most, there would be seven people in a three-bedroom apartment, and five people in a two-bedroom unit. The proposed project would include development of 42 studio units, 29 one-bedroom units, 16 two-bedroom units, and four three-bedroom units. Therefore, the proposed project would provide housing for a maximum of 279 people.</p> <p>According to current population estimates provided by the U.S. Census Bureau, the City of Oakland has a population of 430,553. With an additional 279 residents, the proposed project would represent a 0.065 percent population increase for the City, assuming all residents of the proposed project to be new residents of the City. Therefore, the proposed project would not substantially increase the City’s population.</p> <p>The project site was developed with Lakepoint Village (temporary emergency housing) subsequent to preparation of the 2018 EA. The participant agreement included explicit language that the program is temporary, was for a maximum of six months per participant, and that the license to stay could be terminated at any time. Lakepoint Village was removed on August 31, 2023. All the previous residents of Lakepoint Village have since been relocated to either housing provided by Alameda County, or were</p>

		<p>offered shelter through another program, except for one person who declined and one who moved in with relatives.</p> <p>The currently proposed project would be constructed within the development footprint previously analyzed in the 2018 EA and would not introduce or displace additional people than what was previously analyzed. Based on the above, substantial adverse effects related to demographic character changes would not occur with implementation of the proposed project. Furthermore, because Lakepoint Village was not permanent or considered a customary and/or usual place of residence (URA definition of Dwelling at 49 CFR 24.2(a)(10), the occupants of Lakepoint Village do not meet the URA definition of displaced person according to 49 CFR 24.2(a)(9), and displacement did not occur.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and F.</p> <p>U.S. Census Bureau. <i>Oakland city, California</i>. Available at: <a href="https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045222">https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045222</a>. Accessed October 2023. (Appendix H).</p>
Environmental Justice	2	<p><b><u>2018 EA and Re-evaluation</u></b></p> <p>The 2018 EA did not evaluate potential effects related to environmental justice, as HUD’s EA format at the time of the document’s preparation did not require consideration of such effects. However, pursuant to the current EA format adopted by HUD, environmental justice means ensuring that the environment and human health are protected fairly for all people regardless of race, color, national origin, or income. As part of compliance with applicable federal laws, federal agencies, including HUD, must consider how federally assisted projects may have disproportionately high and adverse human health or environmental effects on minority and low-income populations.</p> <p>The proposed project would consist of a 91-unit apartment building, all of which would be affordable. In order to better meet the agency’s responsibilities related to the protection of public health and the environment, the USEPA has developed the EJScreen mapping and screening tool, which provides socioeconomic and environmental information for a selected area. According to the EJScreen Environmental Justice Indexes, which highlight block groups with the highest intersection of low-income populations, people of color, and a given environmental indicator, the majority of the project site is identified as being within Blockgroup 060014060003, which has a population of 852 residents in a 0.05 square mile area. Table 5 summarizes the percentiles at which the blockgroup ranks relative to the entire State and nation for various environmental indicators (i.e., particulate matter 2.5 microns in diameter</p>

[PM<sub>2.5</sub>], ozone, DPM, air toxics cancer risks, air toxics respiratory health impacts, traffic proximity, LBP (Lead Based Paint), Superfund proximity, Risk Management Program [RMP] facility proximity, hazardous waste proximity, USTs, and wastewater discharge).

USEPA guidance provides that an area with any of the 13 EJ Indexes at or above the 80th national percentile should be considered as a potential candidate for further review. According to Table 5, Blockgroup 060014060003 ranks at or above the 80<sup>th</sup> national percentile for six of the 13 EJ Indexes.

<b>Environmental Indicator</b>	<b>State</b>	<b>Federal</b>
PM <sub>2.5</sub>	54	70
Ozone	11	8
DPM	79	87
Air Toxics Cancers Risk	34	46
Air Toxics Respiratory Hazard Index	49	70
Toxic Releases to Air	73	75
Traffic Proximity	86	92
Lead Based Paint	68	80
Superfund Proximity	88	92
RMP Facility Proximity	50	73
Hazardous Waste Proximity	82	92
USTs	93	92
Wastewater Discharge	14	41

*Source: U.S. Environmental Protection Agency, EJScreen, 2023*

For comparison purposes, Table 6 displays the percentiles at which Blockgroup 0600140675004 ranks relative to the entire State and nation for the same environmental indicators. Blockgroup 0600140675004 consists of a single-family residential area, located approximately 2.1 miles to the east of the project site, and has a population of 1,236 residents in a 0.06 square mile area.

As shown in Table 6, Blockgroup 0600140675004 ranks above the 80th percentile for seven of the 13 EJ Indexes (traffic proximity, lead-based paint, superfund proximity, RMP facility proximity, hazardous waste proximity, and USTs). While percentiles for the Blockgroup in which the project site is in are high relative to other locations in the country, as shown in Table 5, and throughout this EA/Re-evaluation, the project site is not unduly burdened by environmental conditions relative to other residential locations in the City. Specifically, the project site is currently vacant and does not include lead-based paint. The site is not near a superfund site, RMP facility, hazardous waste site, near a UST, or within the appropriate ASTM search distances that would reasonably be expected to impact the proposed project. The proposed project is in an area of non-attainment for

PM<sub>2.5</sub> standard. However, the proposed project itself would be under the GC threshold for air quality impacts related to both construction and operation. Furthermore, the proposed project would implement AQ.3. Exposure to Air Pollution (Toxic Air Contaminants) and NOI8: Mechanical ventilation systems which will require installation of mechanical ventilation systems to reduce cancer risks and Particulate Matter (PM) exposure for residents and for noise. Finally, the study intersections analyzed in the Transportation Assessment would operate at LOS C or better during both AM peak hours and PM peak hours under Cumulative 2035 conditions with or without buildout of the proposed project.

**Table 6**  
**EJ Indexes – State and National Percentiles for Blockgroup 0600140675004**

Environmental Indicator	State	Federal
PM2.5	59	74
Ozone	18	9
DPM	79	87
Air Toxics Cancers Risk	38	49
Air Toxics Respiratory Hazard Index	55	76
Toxic Releases to Air	79	79
Traffic Proximity	60	85
Lead Based Paint	97	97
Superfund Proximity	87	93
RMP Facility Proximity	69	84
Hazardous Waste Proximity	84	96
USTs	96	95
Wastewater Discharge	22	50

*Source: U.S. Environmental Protection Agency, EJScreen, 2023*

Thus, the project would not introduce new uses that could result in disproportionately high and adverse human health or environmental effects on existing minority and low-income populations in the project vicinity, nor would the project induce population growth in an area subject to health risks due to poor environmental conditions.

**Document Citation**

See Appendix E.

U.S. Environmental Protection Agency. *How to Interpret EJScreen Data*. Available at: <https://www.epa.gov/ejscreen/how-interpret-ejscreen-data>. Accessed October 2023. (Appendix H).

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>COMMUNITY FACILITIES AND SERVICES</b>		
Educational and Cultural Facilities	2	<p>Public school services for the proposed project would be provided by the Oakland Unified School District (OUSD). The project site is located immediately north of Dewey Academy, a public alternative-education high school, 0.1-mile north of La Escuelita Elementary School, 1.15 miles south of Westlake Middle School, and 1.3 miles southeast of Oakland High School. The proposed project would be subject to the OUSD Developer Fees at a rate of \$4.08 per square foot for residential projects. The currently proposed project would include development of 55,181 square feet of residential area, and therefore, would be subject to pay \$225,138.48 to the OUSD. Such funds would serve as the project’s fair-share contribution for funding expanded educational services that could result from a student population increase generated by the project’s future residents. Revenues generated through payment of the fees would ensure that the project makes a fair-share contribution to pay for any expanded or new equipment or facilities the OUSD deems necessary.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA concluded that with applying the Statewide average student yield factor of 0.5 students for Grades K through 6, and 0.2 for students Grades 7 through 12, the proposed project would generate 63 students – approximately 45 elementary school students and 18 middle and high school students. The 2018 EA noted that the proposed project would be subject to ECF.1 Sensitive Uses and Schools, which would consider schools as sensitive uses related to noise and construction management.</p> <p>The 2018 EA concluded that residents of the proposed project would have access to the Oakland Museum of California, the Lake Merritt Amphitheater, and the main branch of the Oakland Public Library. While residents of the proposed project could increase demand for such services, the increase would be relatively minor and would not necessitate the expansion of existing facilities or construction of new facilities.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed within the development footprint previously analyzed in the 2018 EA. Based on the above, the proposed project and 0.065 percent increase in population would not cause adverse effects related to educational and cultural facilities. The previous 2018 EA condition of approval was found to be unnecessary (ECF.1). The</p>

		<p>2018 EA and this EA noted that with implementation of the Standard Conditions of Approval related to noise, which is addressed previously, would not result in an impact to neighboring properties.</p> <p><b><u>2018 EA Standard Condition of Approval</u></b></p> <p>ECF.1: Sensitive Uses and Schools</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>None Required</p> <p><b><u>Document Citation</u></b></p> <p>See Appendix B.</p>
Commercial Facilities	1	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential impacts related to commercial facilities and concluded that the project site is located within one mile of a full-service grocery store and numerous markets. The project site is also within walking distance of Downtown Oakland, and the relatively small population increase associated with the proposed project would not constitute a significant impact on the demand of commercial facilities in the vicinity of the project site. Additionally, the new residents in Oakland would increase sales at existing businesses. Finally, the project itself included retail uses.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed within the development footprint previously analyzed in the 2018 EA. Although the retail square-footage is smaller, retail space is still provided. Therefore, the proposed project would not result in additional impacts related to commercial facilities and would have a minor beneficial impact.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendix B.</p>
Health Care and Social Services	2	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential effects related to health care and social services and concluded that the City of Oakland contains multiple health care facilities, including the Highland Hospital, located approximately 2.1 miles northeast of the project site, and the Alta Bates Medical Center, located approximately 2.6 miles to the north of the project site. Additionally, numerous health care facilities including clinics, urgent care, and specialty services exist in the area.</p>

		<p><b><u>Re-evaluation</u></b></p> <p>Social services would be available to future residents of the proposed project through the Oakland Human Services Department (OHSD) and the Alameda County Social Services Agency (OCSSA). Services from the OHSD include providing a full range of social, recreational, nutrition, computer access and health education activities, as well as low-cost hot lunches. The OCSSA provides services for children and families, the elderly, disabled adults, veterans including food assistance, medical and health, employment, training, housing services, and financial assistance. Supportive services provided include childcare, transportation, mental health, alcohol and drug addiction treatment and Social Security Insurance advocacy. The nearest OCSSA office to the project site is located at 1221 Oak Street, approximately 0.4-mile to the northwest of the project site.</p> <p>As such, social services are accessible by car or foot within proximity to the project site and the proposed project would not cause a significant increase in the demand for social services that could not be met by existing and proposed facilities.</p> <p>The currently proposed project would be constructed within the development footprint previously analyzed in the 2018 EA. Since preparation of the 2018 EA, health care facilities and social services remain in close proximity to the project site. Therefore, substantial adverse effects related to health care services would not occur, and the proposed project would not cause a significant increase in the demand for social services that could not be met by existing and proposed facilities.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendix B.</p>
Solid Waste Disposal / Recycling	2	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA analyzed potential adverse effects related to solid waste disposal and recycling and concluded that solid waste, recyclable material, and compostable material collection for the previously approved project would not require the construction of additional solid waste management facilities.</p> <p>Solid waste service within the project area is provided by Waste Management and hauled to the Altamont Landfill, located in Livermore, California. According to the California Department of Resources Recycling and Recovery (CalRecycle), the Altamont Landfill has a projected closure date of December 1, 2070, a maximum permitted capacity of 124,400,000 cubic yards, and a remaining capacity of 65,400,000 cubic yards. According to the 2018 EA, solid waste generation for the 91 units associated</p>

	<p>with both the previously and currently proposed project would be 176,371, or 88 tons, per year. As such, sufficient capacity exists at the landfill to accommodate the solid waste generated during project operation.</p> <p>With respect to waste that could be generated during construction activities, project construction would be temporary. In addition, pursuant to the California Green Building Standards Code (CALGreen Code), at least 65 percent diversion of construction waste is required for projects permitted after January 1, 2017. Additionally, Chapter 15.35 of the Oakland Municipal Code requires a Construction and Demolition Waste Reduction and Recycling Plan to be submitted to the Oakland Public Works Agency. The project was required to comply with City of Oakland Standard Conditions of Approval related to waste reduction and recycling, and therefore, adverse effects related to solid waste generation would not occur through construction of the proposed project.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed with the same use and less intense development than what was previously analyzed in the 2018 EA, and, therefore, would not result in additional impacts related to solid waste disposal than previously analyzed.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions replace the one in the 2018 EA related to waste reduction and recycling and sufficient capacity would be available to accommodate the disposal of waste and recyclables generated by the future project residents. Therefore, impacts related to solid waste disposal and recycling would not occur with implementation of the proposed project.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>None required.</p> <p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>RE1. Waste Reduction and Recycling.</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>RE.1: Construction and Demolition Waste Reduction and Recycling</p> <p>RE.2 Recycling Collection and Storage Space</p>
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		<p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p> <p>California Department of Resources Recycling and Recovery. <i>SWIS Facility/Site Activity Details Altamont Landfill &amp; Resource Recovery (01-AA-0009)</i>. Available at: <a href="https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7">https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/7?siteID=7</a>. Accessed October 31, 2023. (Appendix H).</p>
<p>Waste Water / Sanitary Sewers</p>	<p>2</p>	<p>Wastewater collection and treatment is provided by the East Bay Municipal Utility District (EBMUD).</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA concluded that the proposed project would be required to fund infrastructure upgrades required to accommodate the proposed project if the net increase in project wastewater flow exceeds the City-projected increases in wastewater flow in the sanitary sewer system as part of the City’s Standard Condition of Approval.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed with the same use and less intense development than what was previously analyzed in the 2018 EA, and, therefore, would not result in additional impacts related to wastewater than previously analyzed.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions replace the one in the 2018 EA and would require the project to pay the City’s development impact fees for sewer connection, which would be used to fund necessary improvements to sanitary sewer facilities, adverse effects related to wastewater would not occur with implementation of the proposed project.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>None required.</p> <p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>WW1: Stormwater and Sewer.</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>SS.3: Sanitary Sewer System</p> <p>SS.4: Storm Drain System</p>

		<p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p>
Water Supply	2	<p>Water service is provided to the project site by the EBMUD. According to the 2018 EA, 90 percent of EBMUD’s water comes from the watershed of the Mokelumne River. The proposed project would connect to an existing water line in 2<sup>nd</sup> Avenue through a new 4-inch water line that would be extended 26 feet from the existing line into the site.</p> <p>EBMUD prepared a Water Supply Management Program (WSMP) in 2009 to estimate water supply needs over a 30-year planning period and proposes a diverse portfolio of policy initiatives and potential projects to ensure that needs would be met in dry years, including solutions such as increased conservation and provision of recycled water, rationing, and supplemental supply projects that can be adjusted and implemented in a step-wise manner over the next 30 years as necessary.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA concluded that EBMUD’s WSMP would ensure that future supplies are adequate to cover dry years. At 91 units, the project would have a marginal adverse impact in the short-term by contributing to additional demand; however, adequate supplies exist, and the inclusion of water-conserving measures in the proposed project will contribute to overall water reduction even in wet years.</p> <p>To reduce usage, the proposed project would implement water-saving features to the extent practicable. Water saving fixtures such as low-flow toilets and water efficient appliances will be used throughout. The project would be required to comply with the City of Oakland’s Standard Condition of Approval related to landscapes and the Water Efficient Landscape Ordinance (WELO).</p> <p><b><u>Re-evaluation</u></b></p> <p>A Water Supply Update from the EBMUD through October 24, 2023 shows the Total System Storage as 84 percent full and Total East Bay Reservoir at 85 percent capacity.</p> <p>The currently proposed project would be consistent with the intensity and use analyzed in the 2018 EA, and therefore, would not result in additional impacts related to water supply than previously analyzed. Compliance with the WELO, as well as the</p>

		<p>availability of water supplies from EBMUD, would ensure that adverse effects related to water supply would not occur.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions, listed below, replace the one in the 2018 EA, as well as the 2018 mitigation measure, and would further reduce water supply impacts.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>WS1: Water Efficient Landscape Ordinance</p> <p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>WS2: Required Landscape Plan for New Construction and Certain Additions to Residential Facilities.</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>WS.1 Water Efficient Landscape Ordinance</p> <p>WS.2 Landscape Plan</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p>
Public Safety - Police, Fire and Emergency Medical	2	<p>The proposed project would be provided fire protection services from the Oakland Fire Department (OFD) and law enforcement services by the Oakland Police Department (OPD). The nearest OPD station is located at 455 7th Street, located approximately 1.2 miles to the west of the project site. The nearest OFD station is Station 12, located at 822 Alice Street, approximately 0.8-mile to the west of the project site.</p> <p>As previously stated, the nearest hospital is located approximately 2.1 miles northeast of the project site. Therefore, future residents of the project would have access to emergency medical services.</p> <p>Additionally, development of the project site with residential uses has been considered within the LMSAP, and as such, it was determined that adequate public safety facilities exist to serve the project site at buildout.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA concluded that some increase in demand for fire and law enforcement services could occur as a result of the increase in population associated with development of the proposed project; however, due to the relatively low increase in</p>

		<p>population, the increase would not be considered substantial and could be met by current service providers.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be the same use, but less intense than what was analyzed in the 2018 EA. Therefore, adverse effects relating to the provision of police, fire, and emergency medical services would not occur.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendix B.</p>
<p>Parks, Open Space and Recreation</p>	<p>2</p>	<p>The City of Oakland’s open space standards require new residential development in the Plan area, including the proposed project, to provide usable open space for project residents. While the proposed project would not include the dedication of parkland, the project would include two courtyards that would provide residents with 5,575 square feet of open space area.</p> <p><b><u>2018 EA</u></b></p> <p>According to the 2018 EA, the City of Oakland includes several parks and recreational facilities that would be available to future residents of the proposed project, including Lakeside Park and Lake Merritt, which include paved trails for biking, jogging, bird watching, boating, and other recreational activities. Other nearby facilities include Lincoln Square Park, Chinese Garden Park, and FM Smith Park. To further address open space, four mitigation measures related to street front landscaping, assurance of landscape, and landscape maintenance were required.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would occur on the same footprint analyzed in the 2018 EA, and therefore, would not result in additional demand related to parks, open space, and recreation beyond what was previously analyzed. The availability of nearby parks and recreation facilities would ensure adverse effects related to parks, open space, and recreation would not occur.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions, listed below, replace the 2018 mitigation measures and further reduce impacts to open space.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>WS2: Required Landscape Plan for New Construction and Certain Additions to Residential Facilities.</p>

		<p>POSR1. Landscape Requirements for Street Frontages.</p> <p>POSR2. Assurance of Landscaping Completion.</p> <p>POSR3. Landscape Requirements for Street Frontages.</p> <p>POSR4. Landscape Maintenance.</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>WS.2 Landscape Plan</p> <p>POSR.1. Access to Parks and Open Space.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p>
<p>Transportation and Accessibility</p>	<p>2</p>	<p>Public transit services in the City include Bay Area Rapid Transit (BART) and AC Transit. The nearest BART station to the project site is the Lake Merritt BART Station, located approximately 0.5 miles to the west. AC Transit Route 1 and 1R operate along International Avenue with the nearest stop located approximately 350 to the east of the project site. Routes 11 and 62 operate along 10<sup>th</sup> Street with the nearest stop located approximately 600 feet to the west of the project site. Routes 14, 18, 26, and 40 operate along Lake Merritt Boulevard with the nearest stop located approximately 600 feet to the east of the project site.</p> <p>With respect to site access and parking, pedestrian site access would be provided by East 12<sup>th</sup> Street with a main entrance to the building, as well as an entrance to the retail component of the first-level. According to the 2018 EA, the two signalized intersections adjacent to the project at Lake Merritt Boulevard/East 12<sup>th</sup> Street and East 12<sup>th</sup> Street/2<sup>nd</sup> Avenue provide striped crosswalks with countdown pedestrian signal heads, adequate crossing time, and directional curb ramps adjacent to the project site.</p> <p><b><u>2018 EA</u></b></p> <p>The 2018 EA used level of service (LOS) to assess the significance of transportation-related impacts generated by proposed development projects. LOS represents a qualitative description of the traffic operations experienced by the driver along a roadway segment or at an intersection and ranges from LOS A, which represents the absence of congestion and little delay, to LOS F, which signifies excessive congestion and delays. The Transportation Assessment collected traffic data in September of 2014 for two study area intersections from 7:00</p>

	<p>AM to 9:00 AM (AM peak hours) and from 4:00 PM to 6:00 PM (PM peak hours). The two study area intersections were found to operate at LOS B under existing conditions (2014, No Project) and existing plus project conditions, and, therefore, the proposed project would not cause a substantial adverse impact in regard to LOS.</p> <p>The 2018 EA concluded that transportation network changes under buildout of Cumulative 2035 Conditions would include the completed East Bay Bus Rapid Transit Project, which would operate public transit services adjacent to the project site along East 12<sup>th</sup> Street, converting the two southbound lanes to one bus-only lane and one-mixed flow lane. Both study intersections analyzed in the Transportation Assessment would operate at LOS C or better during both AM peak hours and PM peak hours under Cumulative 2035 conditions with or without buildout of the proposed project.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed within the development footprint and the same use as analyzed in the 2018 EA. However, the proposed project would be less intense, as the 200-parking space podium and 270-unit North Commons building, which were previously analyzed due to potential transportation impacts, are no longer proposed.</p> <p>The currently proposed parking garage would only include 13 parking spaces and would total 5,503 square-feet in the first-level podium. Three spaces would be accessible, with one being an electric vehicle charging station (EVCS) for vans, one being electric vehicle (EV) capable, and one being standard van accessible. The remaining ten spaces would consist of one EVCS standard space, one standard EV ready space, one standard EV capable space, and three standard spaces. Consistent with Chapter 17.117 of the Oakland Municipal Code, the currently proposed project would provide 62 bicycle spaces. Vehicle access to the parking garage would be provided from 2<sup>nd</sup> Avenue.</p> <p>Therefore, transportation impacts resulting from the currently proposed project would be significantly less than previously analyzed. As such, the Standard Conditions of Approval related to a Transportation Demand Management (TDM) plan would not be required, but others would apply. The project site would be accessible to motor vehicles, pedestrians, bicyclists, and public transit riders. However, to further reduce the transportation effects, the following Standard Conditions of Approval are still required.</p>
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		<p><b><u>2018 EA Mitigation Measures</u></b></p> <p>None required.</p> <p><b><u>2018 Standard Conditions of Approval</u></b></p> <p>TRA1: Parking and Transportation Demand Management</p> <p><b><u>New Standard Conditions of Approval</u></b></p> <p>TRA.1: Bicycle Parking.</p> <p>TRA.2. Transportation Impact Fee.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B, C, and D.</p>
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Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>NATURAL FEATURES</b>		
Unique Natural Features, Water Resources	2	<p>Examples of unique natural features include sand dunes, waterfalls, unique rock outcroppings, caves, canyons, endemic and/or disjunct plant/animal communities, coral reefs, unique stands of trees, and unique colonies of animals.</p> <p><b><u>2018 EA</u></b></p> <p>According to the 2018 EA, the project site and surrounding neighborhood are located within a developed urban area. Water courses, creeks, streams, seasonal wetlands, or other water resources do not exist on the project site, although Lake Merritt Channel is located approximately 170 feet to west. The 2018 EA concluded that because the proposed project would include improvements adjacent to Lake Merritt and the Lake Merritt Channel, including trees, bioswales, and water quality enhancement areas, there would be a minor beneficial impact related to unique natural features.</p> <p>Furthermore, as discussed in the Wetlands Protection and Wild and Scenic Rivers sections of this EA, the project site does not contain wetlands and is not located within the vicinity of an officially designated Wild and Scenic River.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed within the development footprint previously analyzed in the 2018 EA. The improvements adjacent to Lake Merritt and the Lake Merritt Channel are no longer a component of the currently proposed</p>

		<p>project. The proposed project would not result in additional impacts related to unique natural features or water resources than previously analyzed. Based on the above, adverse effects related to unique natural features and water resources would not occur with implementation of the proposed project.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and C.</p> <p>U.S. Fish &amp; Wildlife Service. <i>National Wetlands Inventory</i>. Available at: <a href="https://www.fws.gov/wetlands/data/Mapper.html">https://www.fws.gov/wetlands/data/Mapper.html</a>. Accessed October 2023. (Figure 8).</p>
Vegetation, Wildlife	2	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA concluded that special-status plant or wildlife species that have the potential to occur in the vicinity of the project site are not anticipated to occur on-site due to the nature of the site and the lack of suitable habitat.</p> <p><b><u>Re-evaluation</u></b></p> <p>As previously described in this EA, the project site has been previously disturbed and graded, and does not include on-site wetlands or riparian habitat. As discussed in the Endangered Species section of this EA, a query of the CNDDDB and the USFWS IPaC was conducted to ascertain the extent to which plant and wildlife species protected under the Endangered Species Act could be present in the project area. Due to the project site’s previous disturbance, plants protected under the Endangered Species Act are not present on-site. Additionally, of the identified wildlife species identified through the IPaC and CNDDDB queries, the proposed project would not have the potential to impact any identified species.</p> <p>The currently proposed project would occur within the same development footprint analyzed in the 2018 EA, and therefore, would not result in additional impacts related to vegetation or wildlife than previously analyzed, and adverse effects related to vegetation and wildlife would not occur with implementation of the proposed project. The 2018 mitigation measure is no longer necessary due to the removal of the North Commons building and reduction in fenestration near Lake Merritt.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>BIO1: Bird Collision Reduction Measures</p> <p><b><u>New Mitigation Measures</u></b></p> <p>None Required</p>

		<p><b><u>Document Citation</u></b></p> <p>See Appendix B.</p> <p>California Department of Fish and Wildlife. <i>CNDDDB Rarefind</i> 5. Available at: <a href="https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx">https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx</a>. Accessed October 2023. (Appendix H).</p> <p>U.S. Fish &amp; Wildlife Service. <i>IPaC: Information for Planning and Consultation</i>. Available at: <a href="https://ecos.fws.gov/ipac/">https://ecos.fws.gov/ipac/</a>. Accessed October 2023. (Appendix H).</p>
Other Factors	2	N/A

Environmental Assessment Factor	Impact Code	Impact Evaluation
<b>CLIMATE AND ENERGY</b>		
Climate Change Impacts	2	<p><b><u>Climate Change</u></b></p> <p><u>2018 EA and Re-evaluation</u></p> <p>The 2018 EA did not evaluate potential effects related to climate change impacts, as HUD’s EA format at the time of the document’s preparation did not require consideration of such effects. However, pursuant to the current EA format adopted by HUD, global climate change is, by nature, a cumulative impact. GHG emissions contribute, on a cumulative basis, to the adverse environmental impacts of global climate change (e.g., sea level rise, impacts to water supply and water quality, public health impacts, impacts to ecosystems, impacts to agriculture, and other environmental impacts). A single project does not generate enough GHG emissions to contribute noticeably to a change in the global average temperature. However, the combination of GHG emissions from a project in combination with other past, present, and future projects could contribute substantially to the world-wide phenomenon of global climate change and the associated environmental impacts.</p> <p>Pursuant to HUD guidance, a HUD-assisted project should consider the potential future impacts of climate change on occupants of the project, specifically as they relate to residents’ safety, wellbeing, and property from risks associated with hazardous conditions (i.e., flooding, sea level rise, drought, extreme heat, etc.) and site suitability (i.e., air quality, urban heat island effects, soil suitability, and water resources).</p> <p>As noted previously, the project site is not located within a SFHA and, therefore, would not be subjected to substantial risks from flooding. Preparation of a SWPPP would not be required as the</p>

	<p>project site is less than one-acre. However, pursuant to City of Oakland Municipal Code Section 13.16.100, the use of standard BMPs would be required to minimize the generation, discharge, and runoff of stormwater pollution during project construction. Additionally, post-construction stormwater management on the site would be required to comply with the requirements of Provision C.3 of the NPDES permit issued to the Alameda Countywide Clean Water Program; thus, on-site flooding would not occur as a result of the project. In addition, the project site is located approximately 13.2 miles east of the nearest coastal zone and, as such, the project site is not susceptible to risks associated with sea level rise. Similarly, the project site is not located in a Very High FHSZ. Thus, the site is not susceptible to wildfire risk.</p> <p>According to the FEMA National Risk Index, Alameda County is shown to have a “Very High” risk index of 99.87. The County is known to be susceptible to relatively low risk of coastal flooding, and hail, relatively moderate risk of heat wave, tornado, tsunami, and wildfire, relatively high risk of drought, landslide, riverine flooding, and very high risk of earthquake.</p> <p>The potential for all other categories of natural risk factors, such as risk of avalanche, hurricane, ice storm, lightning, strong wind, volcanic activity, or winter weather are low risk, very low risk, or not applicable. The community resilience rating for Alameda County is 83.48, which is considered a very high ability to prepare for anticipated natural hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions when compared to the rest of the U.S.</p> <p><b><u>Greenhouse Gas Emissions</u></b></p> <p>Emissions of GHGs contributing to global climate change are attributable in large part to human activities associated with the industrial/manufacturing, utility, transportation, residential, and agricultural sectors. An individual project’s GHG emissions are at a micro-scale level relative to global emissions and effects to global climate change; however, an individual project could result in a cumulatively considerable incremental contribution to a significant cumulative macro-scale impact.</p> <p><u>2018 EA</u></p> <p>The 2018 EA evaluated the project’s GHG emissions for construction and operation. The previously approved project’s short-term construction-related and long-term operational GHG emissions were estimated using the CalEEMod software. Construction of the proposed project was estimated to generate approximately 336.0 metric tons of carbon dioxide equivalent per year (MTCO<sub>2e</sub>/yr). Implementation of the City’s Standard Condition of Approval related to construction dust emissions</p>
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	<p>including vehicle idling and properly maintained equipment would help to ensure that the project does not generate significant GHG emissions that would have a significant effect on the environment. The CalEEMod results for GHG emissions associated with operations of the project was estimated to be 989.1 MTCO<sub>2e</sub>/yr. At the time of preparation of the 2018 EA, BAAQMD guidelines noted that a project would result in a less than-significant GHG impact if it would result in operational-related GHG emissions of less than 1,100 MTCO<sub>2e</sub>/yr; or result in operational-related greenhouse gas emissions of less than 4.6 MTCO<sub>2e</sub> per service population (residents plus employees).</p> <p>Based on the results of the construction and operation GHG analysis, the project would not generate GHG emissions that would have a significant effect on the environment.</p> <p><u>Re-evaluation</u></p> <p>The currently proposed project would be constructed within the development footprint and the same use as analyzed in the 2018 EA. However, the proposed project would be less intense, as the parking podium and the North Commons building, which were previously analyzed due to potential air quality impacts, are no longer proposed. Therefore, GHG emissions resulting from the currently proposed project (during both construction and operation) would be significantly less than previously analyzed, and would continue to be below the GC thresholds.</p> <p>Based on the above, future residents of the project would not be disproportionately exposed to undue climate change hazards relative to any other resident of the City of Oakland.</p> <p>Mitigation Measure AQ.5 was not included in the project approval and is still necessary. As a result, the proposed project would not result in any conflicts related to the Clean Air Act.</p> <p><u>New Mitigation Measures</u></p> <p>AQ.5. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)</p> <p><u>Document Citation</u></p> <p>See Appendix B.</p> <p>Bay Area Air Quality Management District. <i>CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans</i>. April 2022. (Appendix H).</p> <p>Federal Emergency Management Agency. <i>National Risk Index, Alameda County, California</i>. Available at:</p>
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		<a href="https://hazards.fema.gov/nri/map">https://hazards.fema.gov/nri/map</a> . Accessed October 2023. (Appendix H).
Energy Efficiency	2	<p><b><u>2018 EA</u></b></p> <p>The 2018 EA evaluated potential effects related to energy consumption. The analysis noted that the project would be subject to the City’s Green Building Ordinance as well as the CALGreen Code (Title 24 CCR Part 11). In addition, the project would comply with all applicable provisions of the CBSC (Title 24 CCR), including the most recent Building Energy Efficiency Standards (Title 24 CCR Part 6). Adherence to the City’s Green Building Ordinance was considered a mitigation measure, and compliance with such would ensure that the proposed structures would consume energy efficiently, and the proposed project would not be wasteful, inefficient, or unnecessary.</p> <p><b><u>Re-evaluation</u></b></p> <p>The currently proposed project would be constructed within the development footprint and the same use as analyzed in the 2018 EA. During project construction, the proposed project would involve on-site energy demand and consumption related to use of oil in the form of gasoline and diesel fuel for construction worker vehicle trips, hauling and materials delivery truck trips, and operation of off-road construction equipment. However, all construction equipment and operation would be required to implement BMPs related to criteria pollutant controls limiting idling, properly maintaining equipment, and using portable equipment powered by the energy grid. Furthermore, the proposed project would still be required to comply with the Green Building Ordinance and the most recent CALGreen Building Energy Efficiency Standards. In addition, the proposed project would be required to install Plug-In Electric Vehicle (PEV) parking spaces, which would further reduce energy demand.</p> <p>Since 2018, the City has updated its Uniformly Applied Development Standards imposed as Standard Conditions of Approval. The Conditions, listed below, replace the 2018 mitigation measure and further reduce impacts to energy efficiency and consumption. Based on the above, adverse effects related to energy consumption would not occur with implementation of the proposed project.</p> <p><b><u>2018 EA Mitigation Measures</u></b></p> <p>EC1. Green Building Requirements</p>

	<p><b><u>New Standard Conditions of Approval</u></b></p> <p>AQ.2. Criteria Air Pollutant Controls - Construction Related.</p> <p>EE.1. Green Building Requirements.</p> <p>EE.2. Plug-In Electric Vehicle (PEV) Charging Infrastructure.</p> <p><b><u>Document Citation</u></b></p> <p>See Appendices B and D.</p> <p>California Energy Commission. <i>2022 Building Energy Efficiency Standards Summary</i>. August 2021. (Appendix H).</p>
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**Additional Studies Performed:**

- U.S. Department of Housing and Urban Development. *Authority to Use Grant Funds HUD Project # 121-98094*. July 3, 2020. (Appendix A).
- LSA Associates. *2018 LakeHouse Commons Affordable Apartments Project Environmental Assessment HUD Project #: 121-98094*. November 2018. (Appendix B).
- East Bay Asian Local Development Corporation. *2022 East 12<sup>th</sup> Street Permit Set*. August 25, 2023. (Appendix C).
- City of Oakland Bureau of Planning. *Planning Decision Letter*. November 30, 2022. (Appendix D).
- U.S. Environmental Protection Agency. *EJScreen: Environmental Justice Screening and Mapping Tool*. Available at: <https://www.epa.gov/ejscreen>. Accessed October 2023. (Appendix E).
- City of Oakland Economic and Workforce Development Department. *Funding Application Supplement*. February 2, 2023. (Appendix F).
- Weis Environmental. *Phase I Environmental Site Assessment, East 12<sup>th</sup> Street, Oakland, California*. January 31, 2023. (Appendix G).

**Field Inspection (Date and completed by):**

- January 29, 2023: Site reconnaissance by Weis Environmental for Phase I Environmental Site Assessment.

**List of Sources, Agencies and Persons Consulted** [40 CFR 1508.9(b)]:

- Bay Area Air Quality Management District. *CEQA Thresholds for Evaluating the Significance of Climate Impacts From Land Use Projects and Plans*. April 2022. (Appendix H).
- California Department of Conservation. *California Important Farmland Finder*. Available at: <https://maps.conservation.ca.gov/dlrp/ciff/>. Accessed October 2023. (Appendix H).
- California Department of Fish and Wildlife. *California Department of Fish and Wildlife BIOS*. Available at: <https://apps.wildlife.ca.gov/bios6/>. Accessed October 2023. ().
- California Department of Fish and Wildlife. *California Natural Diversity Database: Rarefind 5*. Available at: <https://apps.wildlife.ca.gov/rarefind/view/RareFind.aspx>. Accessed October 2023. (Appendix H).

- California Department of Resources Recycling and Recovery. *SWIS Facility/Site Activity Details Altamont Landfill & Resource Recovery (01-AA-0009)*. Available at: <https://www2.calrecycle.ca.gov/SolidWaste/SiteActivity/Details/?siteID=7>. Accessed October 31, 2023. (Appendix H).
- California Energy Commission. *2022 Building Energy Efficiency Standards Summary*. August 2021. (Appendix H).
- California Environmental Protection Agency. *CalEPA Regulated Site Portal*. Available at: <https://siteportal.calepa.ca.gov/nsite/map/results>. Accessed October 2023. (Appendix H).
- City of Oakland. *Existing Traffic Count Data for International Boulevard – Lake Merritt Boulevard/1st Avenue*. May 5, 2021.
- City of Oakland. *Phase I Oakland 2045 General Plan Update Environmental Impact Report*. March 2023. (Appendix H).
- Federal Emergency Management Agency. *Flood Insurance Rate Map 06001C0067H*. Available at: <https://msc.fema.gov/portal/home>. Accessed October 2023. (Figure 7).
- Federal Emergency Management Agency. *National Risk Index, Alameda County, California*. Available at: <https://hazards.fema.gov/nri/map>. Accessed October 2023. (Appendix H).
- U.S. Census Bureau. *Oakland city, California*. Available at: <https://www.census.gov/quickfacts/fact/table/oaklandcitycalifornia/PST045222>. Accessed October 2023. (Appendix H).
- U.S. Department of Agriculture, Natural Resources Conservation Service. *Web Soil Survey*. Available at: <https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>. Accessed October 2023. (Appendix H).
- U.S. Department of Housing and Urban Development. *Acceptable Separation Distance (ASD) Electronic Assessment Tool*. Available at: <https://www.hudexchange.info/programs/environmental-review/asd-calculator/>. Accessed October 2023. (Appendix H).
- U.S. Department of Housing and Urban Development. *DNL Calculator*. Available at: <https://www.hudexchange.info/programs/environmental-review/dnl-calculator/>. Accessed October 2023. (Appendix H).
- U.S. Environmental Protection Agency. *How to Interpret EJScreen Data*. Available at: <https://www.epa.gov/ejscreen/how-interpret-ejscreen-data>. Accessed October 2023. (Appendix H).
- U.S. Environmental Protection Agency. *Sole Source Aquifers*. Available at: <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>. Accessed October 2023. (Figure 11).
- U.S. Fish & Wildlife Service. *Coastal Barrier Resources Act*. Available at: <https://www.fws.gov/program/coastal-barrier-resources-act>. Accessed October 2023. (Appendix H).
- U.S. Fish & Wildlife Service. *IPaC: Information for Planning and Consultation*. Available at: <https://ecos.fws.gov/ipac/>. Accessed October 2023. (Appendix H).
- U.S. Fish & Wildlife Service. *National Wetlands Inventory*. Available at: <https://www.fws.gov/wetlands/data/Mapper.html>. Accessed October 2023. (Figure 8).
- U.S. Fish and Wildlife Service. *Alameda Whipsnake*. Available at: <https://www.fws.gov/species/alameda-whipsnake-masticophis-lateralis-euryxanthus>. Accessed October 2023. (Appendix H).
- U.S. Fish and Wildlife Service. *California Clapper Rail*. Available at: <https://www.fws.gov/species/california-clapper-rail-rallus-longirostris-obsoletus>. Accessed October 2023. (Appendix H).

- U.S. Forest Service, National Park Service, Bureau of Land Management and the Fish and Wildlife Service. *National Wild and Scenic Rivers System*. Available at: <https://www.rivers.gov/california.php>. Accessed October 2023. (Figure 11).

**Public Outreach [24 CFR 50.23 & 58.43]:**

The project site is located within the Lake Merritt Station Area Plan area, for which an EIR was prepared. As part of the EIR process, a public review period and a series of public meetings and workshops were held to solicit comments. The meetings and public comment period were held in November and December of 2013, and the Final EIR was approved in September 2014.

The previous 2018 project was subject to a public hearing before the Planning Commission on September 19, 2019. The hearing was publicly noticed on the City’s website, and mailings were sent to property owners within 300 feet of the project site. Public testimony was taken at the hearing after which the Planning Commission approved the project. The project was appealed and a public hearing was set before the Oakland City Council. This hearing was noticed on the City’s website. Public testimony was taken and the City Council voted to deny the appeal and approve the project.

An Environmental Assessment was prepared for the 2018 project which resulted in a Finding of No Significant Impact (FONSI), which was published in the newspaper and circulated to public agencies, interested parties, and owners of parcels within 300 feet of the project site.

The currently proposed project was submitted under California Assembly Bill 2162, which does not require public notice of the project. This document’s FONSI will also be published in the newspaper and circulated to public agencies, interested parties, and owners of parcels within 300 feet of the project site.

**Cumulative Impact Analysis [24 CFR 58.32]:**

The previous 2018 project was approved by the City of Oakland as to design and use as of October 2019. The previous project has been considered as an “approved project” in subsequent cumulative impacts analysis of later projects. The currently proposed project is located within the same development site, and while the design and use are largely the same, the overall program from 2018 has been greatly reduced with removal of the basement parking spaces and 26-story residential tower. As such, any cumulative impacts that would have been anticipated have been greatly reduced.

**Alternatives [24 CFR 58.40(e); 40 CFR 1508.9]:**

Off-Site Alternative

The Off-Site Alternative would include development of the proposed project at a different location. If an Off-Site Alternative were located outside the City of Oakland, the objectives and goals of the proposed project, which are primarily concerned with providing affordable housing for residents in the City, may not be met. Furthermore, the proposed project is a development project that would be consistent with the existing surrounding uses. The project site is currently in close proximity to schools, grocery stores, and other community resources. Any alternative location for the proposed project would be unlikely to improve the range and proximity of the amenities available to the future residents of the development beyond what is currently available at the project site.

Development of the proposed project at an alternative site could result in greater impacts than those analyzed under the proposed project as the proposed project site has already undergone significant

disturbance as part of the East 12<sup>th</sup> Street Reconstruction Project. Additionally, alternative sites may be located in areas with greater biological resources, which would increase impacts, or in closer proximity to noise-generating uses, which would result in greater noise impacts at the project site. As discussed throughout this EA, the proposed project would not result in any substantial adverse impacts that could not be mitigated to a level of insignificance. Finally, it should be noted that an alternative site has not been identified.

Reduced Intensity Alternative

Affordable housing could be developed on-site at a reduced density under a Reduced Intensity Alternative, which would include less construction as compared to the proposed project. However, a lower density project would not help Oakland meet its affordable housing goals and policies. In addition, the proposed project would not be as economically feasible at a lower density, due to the increased cost per unit to build the affordable housing units.

**No Action Alternative [24 CFR 58.40(e)]:**

Under the No Action Alternative, the proposed project would not be developed, and therefore, the project site would remain unchanged. Future development of the project site in accordance with the zoning district could still occur and would be anticipated to consist of permitted uses in the D-LM-1 zoning district. As such, development of the site through future proposals could result in multi-family housing uses. However, the No Action Alternative could hinder the City’s ability to achieve its affordable housing goals identified in the City’s General Plan.

**Summary of Findings and Conclusions:**

The project is suitable from an environmental standpoint. With implementation and compliance with the Standard Conditions of Approval and required mitigation measures, significant environmental impacts are not anticipated to result from the proposed project. The proposed project would provide a safe, sanitary, and affordable housing units for future residents.

**Mitigation Measures and Conditions [40 CFR 1505.2(c)]:**

Summarize below all mitigation measures adopted by the Responsible Entity to reduce, avoid, or eliminate adverse environmental impacts and to avoid non-compliance or non-conformance with the above-listed authorities and factors. These measures/conditions must be incorporated into project contracts, development agreements, and other relevant documents. The staff responsible for implementing and monitoring mitigation measures should be clearly identified in the mitigation plan.

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
Clean Air	<p><b>AQ.1. Dust Controls – Construction Related.</b></p> <p>The project applicant shall implement all of the following applicable dust control measures during construction of the project:</p> <p>a. Water all exposed surfaces of active construction areas at least twice daily. Watering should be sufficient to prevent airborne dust from leaving the site. Increased watering frequency may be necessary whenever wind speeds exceed 15 miles per hour. Reclaimed water should be used whenever feasible.</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<ul style="list-style-type: none"> <li>b. Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard (i.e., the minimum required space between the top of the load and the top of the trailer).</li> <li>c. All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.</li> <li>d. Limit vehicle speeds on unpaved roads to 15 miles per hour.</li> <li>e. All demolition activities (if any) shall be suspended when average wind speeds exceed 20 mph.</li> <li>f. All trucks and equipment, including tires, shall be washed off prior to leaving the site.</li> <li>g. Site accesses to a distance of 100 feet from the paved road shall be treated with a 6 to 12 inch compacted layer of wood chips, mulch, or gravel.</li> </ul> <p><b>AQ.2. Criteria Air Pollutants – Construction Related.</b></p> <p>The project applicant shall implement all of the following applicable basic control measures for criteria air pollutants during construction of the project as applicable:</p> <ul style="list-style-type: none"> <li>a. Idling times on all diesel-fueled commercial vehicles over 10,000 lbs. shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes (as required by the California airborne toxics control measure Title 13, Section 2485, of the California Code of Regulations). Clear signage to this effect shall be provided for construction workers at all access points.</li> <li>b. Idling times on all diesel-fueled off-road vehicles over 25 horsepower shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to two minutes and fleet operators must develop a written policy as required by Title 23, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”).</li> <li>c. All construction equipment shall be maintained and properly tuned in accordance with the manufacturer’s specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. Equipment check documentation should be kept at the construction site and be available for review by the City and the Bay Area Air Quality District as needed.</li> <li>d. Portable equipment shall be powered by grid electricity if available. If electricity is not available, propane or natural gas generators shall be used if feasible. Diesel engines shall only be used if grid electricity is not available and propane or natural gas generators cannot meet the electrical demand.</li> <li>e. Low VOC (i.e., ROG) coatings shall be used that comply with BAAQMD Regulation 8, Rule 3: Architectural Coatings.</li> <li>f. All equipment to be used on the construction site shall comply with the requirements of Title 13, Section 2449, of the California Code of Regulations (“California Air Resources Board Off-Road Diesel Regulations”) and upon request by the City (and the Air District if specifically requested), the project applicant shall provide written documentation that fleet requirements have been met.</li> </ul>

Law, Authority, or Factor	Mitigation Measure
	<p><b>AQ.3. Exposure to Air Pollution (Toxic Air Contaminants).</b></p> <p><i>a. Health Risk Reduction Measures</i></p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to exposure to toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <p>i. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk of exposure of project residents/occupants/users to air pollutants. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes that the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p> <p>- or -</p> <p>ii. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ul style="list-style-type: none"> <li>• Installation of air filtration to reduce cancer risks and Particulate Matter (PM) exposure for residents and other sensitive populations in the project that are in close proximity to sources of air pollution. Air filter devices shall be rated MERV-13 or higher. As part of implementing this measure, an ongoing maintenance plan for the building’s HVAC air filtration system shall be required.</li> <li>• Where appropriate, install passive electrostatic filtering systems, especially those with low air velocities (i.e., 1 mph).</li> <li>• Phasing of residential developments when proposed within 500 feet of freeways such that homes nearest the freeway are built last, if feasible.</li> <li>• The project shall be designed to locate sensitive receptors as far away as feasible from the source(s) of air pollution. Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall be located as far away as feasible from a loading dock or where trucks concentrate to deliver goods.</li> <li>• Sensitive receptors shall be located on the upper floors of buildings, if feasible.</li> <li>• Planting trees and/or vegetation between sensitive receptors and pollution source, if feasible. Trees that are best suited to trapping PM shall be planted,</li> </ul>

Law, Authority, or Factor	Mitigation Measure
	<p>including one or more of the following: Pine (<i>Pinus nigra</i> var. <i>maritima</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwood (<i>Sequoia sempervirens</i>).</p> <ul style="list-style-type: none"> <li>• Sensitive receptors shall be located as far away from truck activity areas, such as loading docks and delivery areas, as feasible.</li> <li>• Existing and new diesel generators shall meet CARB’s Tier 4 emission standards, if feasible.</li> <li>• Emissions from diesel trucks shall be reduced through implementing the following measures, if feasible: <ul style="list-style-type: none"> <li>○ Installing electrical hook-ups for diesel trucks at loading docks.</li> <li>○ Requiring trucks to use Transportation Refrigeration Units (TRU) that meet Tier 4 emission standards.</li> <li>○ Requiring truck-intensive projects to use advanced exhaust technology (e.g., hybrid) or alternative fuels.</li> <li>○ Prohibiting trucks from idling for more than two minutes.</li> <li>○ Establishing truck routes to avoid sensitive receptors in the project. A truck route program, along with truck calming, parking, and delivery restrictions, shall be implemented.</li> </ul> </li> </ul> <p><i>b. Maintenance of Health Risk Reduction Measures</i>  The project applicant shall maintain, repair, and/or replace installed health risk reduction measures, including but not limited to the HVAC system (if applicable), on an ongoing and as-needed basis. Prior to occupancy, the project applicant shall prepare and then distribute to the building manager/operator an operation and maintenance manual for the HVAC system and filter including the maintenance and replacement schedule for the filter.</p> <p><b>AQ.4. Stationary Sources of Air Pollution (Toxic Air Contaminants).</b></p> <p>The project applicant shall incorporate appropriate measures into the project design in order to reduce the potential health risk due to on-site stationary sources of toxic air contaminants. The project applicant shall choose <u>one</u> of the following methods:</p> <p>a. The project applicant shall retain a qualified air quality consultant to prepare a Health Risk Assessment (HRA) in accordance with California Air Resources Board (CARB) and Office of Environmental Health and Hazard Assessment requirements to determine the health risk associated with proposed stationary sources of pollution in the project. The HRA shall be submitted to the City for review and approval. If the HRA concludes that the health risk is at or below acceptable levels, then health risk reduction measures are not required. If the HRA concludes the health risk exceeds acceptable levels, health risk reduction measures shall be identified to reduce the health risk to acceptable levels. Identified risk reduction measures shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City. The approved risk reduction measures shall be implemented during construction and/or operations as applicable.</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>- or -</p> <p>b. The project applicant shall incorporate the following health risk reduction measures into the project. These features shall be submitted to the City for review and approval and be included on the project drawings submitted for the construction-related permit or on other documentation submitted to the City:</p> <ol style="list-style-type: none"> <li>i. Installation of non-diesel fueled generators, if feasible, or;</li> <li>ii. Installation of diesel generators with an EPA-certified Tier 4 engine or engines that are retrofitted with a CARB Level 3 Verified Diesel Emissions Control Strategy, if feasible.</li> </ol> <p><b>AQ.5. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)</b></p> <p>a. Indoor Air Quality: In accordance with the recommendations of the California Air Resources Board (CARB) and the Bay Area Air Quality Management District, appropriate measures shall be incorporated into the project design in order to reduce the potential risk due to exposure to toxic air contaminants to achieve an acceptable interior air quality level for sensitive receptors. The project applicant shall retain a qualified air quality consultant to prepare a health risk assessment (HRA) in accordance with the CARB and the Office of Environmental Health and Hazard Assessment requirements to determine the exposure of project residents/occupants/users to air pollutants prior to issuance of a demolition, grading, or building permit. The HRA shall be submitted to the Planning and Zoning Division for review and approval. The applicant shall implement the approved HRA recommendations, if any. If the HRA concludes that the air quality risks from nearby sources are at or below acceptable levels, then additional measures are not required.</p> <p>b. Exterior Air Quality: To the maximum extent practicable, individual and common exterior open space, including playgrounds, patios, and decks, shall either be shielded from the source of air pollution by buildings or otherwise buffered to further reduce air pollution for project occupants.</p>
Contamination and Toxic Substances	<p><b>CT.1. Hazardous Materials Related to Construction.</b></p> <p>The project applicant shall ensure that Best Management Practices (BMPs) are implemented by the contractor during construction to minimize potential negative effects on groundwater, soils, and human health. These shall include, at a minimum, the following:</p> <ol style="list-style-type: none"> <li>a. Follow manufacture’s recommendations for use, storage, and disposal of chemical products used in construction;</li> <li>b. Avoid overtopping construction equipment fuel gas tanks;</li> <li>c. During routine maintenance of construction equipment, properly contain and remove grease and oils;</li> <li>d. Properly dispose of discarded containers of fuels and other chemicals;</li> </ol>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>e. Implement lead-safe work practices and comply with all local, regional, state, and federal requirements concerning lead (for more information refer to the Alameda County Lead Poisoning Prevention Program); and</p> <p>f. If soil, groundwater, or other environmental medium with suspected contamination is encountered unexpectedly during construction activities (e.g., identified by odor or visual staining, or if any underground storage tanks, abandoned drums or other hazardous materials or wastes are encountered), the project applicant shall cease work in the vicinity of the suspect material, the area shall be secured as necessary, and the applicant shall take all appropriate measures to protect human health and the environment. Appropriate measures shall include notifying the City and applicable regulatory agency(ies) and implementation of the actions described in the City’s Standard Conditions of Approval, as necessary, to identify the nature and extent of contamination. Work shall not resume in the area(s) affected until the measures have been implemented under the oversight of the City or regulatory agency, as appropriate.</p> <p><b>CT.2. Hazardous Building Materials and Site Contamination.</b></p> <p>The project applicant shall submit a comprehensive assessment report to the Bureau of Building, signed by a qualified environmental professional, documenting the presence or lack thereof of asbestos-containing materials (ACMs), lead-based paint, polychlorinated biphenyls (PCBs), and any other building materials or stored materials classified as hazardous materials by State or federal law. If lead-based paint, ACMs, PCBs, or any other building materials or stored materials classified as hazardous materials are present, the project applicant shall submit specifications prepared and signed by a qualified environmental professional, for the stabilization and/or removal of the identified hazardous materials in accordance with all applicable laws and regulations. The project applicant shall implement the approved recommendations and submit to the City evidence of approval for any proposed remedial action and required clearances by the applicable local, state, or federal regulatory agency.</p> <p><b>CT.3.</b></p> <p>The project applicant shall submit the Subsurface Investigation prepared for the project by Advantage Environmental Consultants, LLC to the applicable regulatory agency with jurisdiction for review and approval, and comply with all applicable recommendations of the report and any further agency requirements.</p>
Historic Preservation	<p><b>CR.1. Intensive Pre-Construction Study or Construction ALERT Sheet</b></p> <p>The project applicant shall implement either Provision A (Intensive Pre-Construction Study) or Provision B (Construction ALERT Sheet) concerning archaeological resources.</p> <p><i>Provision A: Intensive Pre-Construction Study</i></p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>The project applicant shall retain a qualified archaeologist to conduct a site-specific, intensive archaeological resources study for review and approval by the City prior to soil-disturbing activities occurring on the project site. The purpose of the site-specific, intensive archaeological resources study is to identify early the potential presence of history-period archaeological resources on the project site. At a minimum, the study shall include:</p> <ol style="list-style-type: none"> <li>a. Subsurface presence/absence studies of the project site. Field studies may include, but are not limited to, auguring and other common methods used to identify the presence of archaeological resources.</li> <li>b. A report disseminating the results of this research.</li> <li>c. Recommendations for any additional measures that could be necessary to mitigate any adverse impacts to recorded and/or inadvertently discovered cultural resources.</li> </ol> <p>If the results of the study indicate a high potential presence of historic-period archaeological resources on the project site, or a potential resource is discovered, the project applicant shall hire a qualified archaeologist to monitor any ground disturbing activities on the project site during construction and prepare an ALERT sheet pursuant to Provision B below that details what could potentially be found at the project site. Archaeological monitoring would include briefing construction personnel about the type of artifacts that may be present (as referenced in the ALERT sheet, required per Provision B below) and the procedures to follow if any artifacts are encountered, field recording and sampling in accordance with the Secretary of Interior’s Standards and Guidelines for Archaeological Documentation, notifying the appropriate officials if human remains or cultural resources are discovered, and preparing a report to document negative findings after construction is completed if no archaeological resources are discovered during construction.</p> <p><b><i>Provision B: Construction ALERT Sheet</i></b></p> <p>The project applicant shall prepare a construction “ALERT” sheet developed by a qualified archaeologist for review and approval by the City prior to soil-disturbing activities occurring on the project site. The ALERT sheet shall contain, at a minimum, visuals that depict each type of artifact that could be encountered on the project site. Training by the qualified archaeologist shall be provided to the project’s prime contractor, any project subcontractor firms (including demolition, excavation, grading, foundation, and pile driving), and utility firms involved in soil-disturbing activities within the project site.</p> <p>The ALERT sheet shall state, in addition to the basic archaeological resource protection measures contained in other standard conditions of approval, all work must stop and the City’s Environmental Review Officer contacted in the event of discovery of the following cultural materials: concentrations of shellfish remains; evidence of fire (ashes, charcoal, burnt earth, fire-cracked rocks); concentrations of bones; recognizable Native American artifacts (arrowheads, shell beads, stone mortars [bowls], humanly shaped rock); building foundation remains; trash pits,</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>privies (outhouse holes); floor remains; wells; concentrations of bottles, broken dishes, shoes, buttons, cut animal bones, hardware, household items, barrels, etc.; thick layers of burned building debris (charcoal, nails, fused glass, burned plaster, burned dishes); wood structural remains (building, ship, wharf); clay roof/floor tiles; stone walls or footings; or gravestones. Prior to any soil-disturbing activities, each contractor shall be responsible for ensuring that the ALERT sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, and supervisory personnel. The ALERT sheet shall also be posted in a visible location at the project site.</p> <p><b>CR.2. Archaeological and Paleontological Resources – Discovery During Construction.</b></p> <p>Pursuant to CEQA Guidelines section 15064.5(f), in the event that any historic or prehistoric subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant shall notify the City and consult with a qualified archaeologist or paleontologist, as applicable, to assess the significance of the find. In the case of discovery of paleontological resources, the assessment shall be done in accordance with the Society of Vertebrate Paleontology standards. If any find is determined to be significant, appropriate avoidance measures recommended by the consultant and approved by the City must be followed unless avoidance is determined unnecessary or infeasible by the City. Feasibility of avoidance shall be determined with consideration of factors such as the nature of the find, project design, costs, and other considerations. If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery, excavation) shall be instituted. Work may proceed on other parts of the project site while measures for the cultural resources are implemented.</p> <p>In the event of data recovery of archaeological resources, the project applicant shall submit an Archaeological Research Design and Treatment Plan (ARDTP) prepared by a qualified archaeologist for review and approval by the City. The ARDTP is required to identify how the proposed data recovery program would preserve the significant information the archaeological resource is expected to contain. The ARDTP shall identify the scientific/historic research questions applicable to the expected resource, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The ARDTP shall include the analysis and specify the curation and storage methods. Data recovery, in general, shall be limited to the portions of the archaeological resource that could be impacted by the proposed project. Destructive data recovery methods shall not be applied to portions of the archaeological resources if nondestructive methods are practicable. Because the intent of the ARDTP is to save as much of the archaeological resource as possible, including moving the resource, if feasible, preparation and implementation of the ARDTP would reduce the potential adverse impact to less than significant. The project applicant shall implement the ARDTP at his/her expense.</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>In the event of excavation of paleontological resources, the project applicant shall submit an excavation plan prepared by a qualified paleontologist to the City for review and approval. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by a qualified paleontologist, as appropriate, according to current professional standards and at the expense of the project applicant.</p> <p><b>CR.3. Human Remains – Discovery During Construction.</b></p> <p>Pursuant to CEQA Guidelines section 15064.5(e)(1), in the event that human skeletal remains are uncovered at the project site during construction activities, all work shall immediately halt and the project applicant shall notify the City and the Alameda County Coroner. If the County Coroner determines that an investigation of the cause of death is required or that the remains are Native American, all work shall cease within 50 feet of the remains until appropriate arrangements are made. In the event that the remains are Native American, the City shall contact the California Native American Heritage Commission (NAHC), pursuant to subdivision (c) of section 7050.5 of the California Health and Safety Code. If the agencies determine that avoidance is not feasible, then an alternative plan shall be prepared with specific steps and timeframe required to resume construction activities. Monitoring, data recovery, determination of significance, and avoidance measures (if applicable) shall be completed expeditiously and at the expense of the project applicant.</p>
Noise Abatement and Control	<p><b>NOI.1. Interior Noise.</b></p> <p>If necessary to comply with the interior noise requirements of the City of Oakland’s General Plan Noise Element and achieve an acceptable interior noise level, noise reduction in the form of sound-rated assemblies (i.e., windows, exterior doors, and walls), and/or other appropriate features/measures, shall be incorporated into project building design, based upon recommendations of a qualified acoustical engineer and submitted to the Building Services Division for review and approval prior to issuance of building permit. Final recommendations for sound-rated assemblies, and/or other appropriate features/measures, will depend on the specific building designs and layout of buildings on the site and shall be determined during the design phases. Written confirmation by the acoustical consultant, HVAC or HERS specialist, shall be submitted for City review and approval, prior to Certificate of Occupancy (or equivalent) that:</p> <ol style="list-style-type: none"> <li>a. Quality control was exercised during construction to ensure all air-gaps and penetrations of the building shell are controlled and sealed; and</li> <li>b. Demonstrates compliance with interior noise standards based upon performance testing of a sample unit.</li> <li>c. Inclusion of a Statement of Disclosure Notice in the CC&amp;R’s on the lease or title to all new tenants or owners of the units acknowledging the noise generating activity and the single event noise occurrences. Potential features/measures to reduce interior noise could include, but are not limited to, the following:</li> </ol>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<ul style="list-style-type: none"> <li>i. Installation of an alternative form of ventilation in all units identified in the acoustical analysis as not being able to meet the interior noise requirements due to adjacency to a noise generating activity, filtration of ambient make-up air in each unit and analysis of ventilation noise if ventilation is included in the recommendations by the acoustical analysis.</li> <li>ii. Prohibition of Z-duct construction.</li> </ul> <p><b>NOI.2. Operational Noise – General.</b></p> <p>Noise levels from the activity, property, or any mechanical equipment on site shall comply with the performance standards of Section 17.120 of the Oakland Planning Code and Section 8.18 of the Oakland Municipal Code. If noise levels exceed these standards, the activity causing the noise shall be abated until appropriate noise reduction measures have been installed and compliance verified by the Planning and Zoning Division and Building Services.</p>
<p>Soil Suitability / Slope / Erosion / Drainage / Storm Water Runoff</p>	<p><b>SS.1. Erosion and Sedimentation Control Plan for Construction</b></p> <p><i>a. Erosion and Sedimentation Control Plan Required</i></p> <p>The project applicant shall submit an Erosion and Sedimentation Control Plan to the City for review and approval. The Erosion and Sedimentation Control Plan shall include all necessary measures to be taken to prevent excessive stormwater runoff or carrying by stormwater runoff of solid materials on to lands of adjacent property owners, public streets, or to creeks as a result of conditions created by grading and/or construction operations. The Plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation structures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and stormwater retention basins. Off-site work by the project applicant may be necessary. The project applicant shall obtain permission or easements necessary for off-site work. There shall be a clear notation that the plan is subject to changes as changing conditions occur. Calculations of anticipated stormwater runoff and sediment volumes shall be included, if required by the City. The Plan shall specify that, after construction is complete, the project applicant shall ensure that the storm drain system shall be inspected and that the project applicant shall clear the system of any debris or sediment.</p> <p><i>b. Erosion and Sedimentation Control During Construction</i></p> <p>The project applicant shall implement the approved Erosion and Sedimentation Control Plan. No grading shall occur during the wet weather season (October 15 through April 15) unless specifically authorized in writing by the Bureau of Building.</p> <p><b>SS.2. NPDES C.3 Stormwater Requirements for Regulated Projects.</b></p> <p><i>a. Post-Construction Stormwater Management Plan Required</i></p> <p>The project applicant shall comply with the requirements of Provision C.3 of the Municipal Regional Stormwater Permit issued under the National Pollutant Discharge Elimination System (NPDES). The project applicant shall submit a Post-</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>Construction Stormwater Management Plan to the City for review and approval with the project drawings submitted for site improvements, and shall implement the approved Plan during construction. The Post-Construction Stormwater Management Plan shall include and identify the following:</p> <ul style="list-style-type: none"> <li>i. Location and size of new and replaced impervious surface;</li> <li>ii. Directional surface flow of stormwater runoff;</li> <li>iii. Location of proposed on-site storm drain lines;</li> <li>iv. Site design measures to reduce the amount of impervious surface area;</li> <li>v. Source control measures to limit stormwater pollution;</li> <li>vi. Stormwater treatment measures to remove pollutants from stormwater runoff, including the method used to hydraulically size the treatment measures; and</li> <li>vii. Hydromodification management measures, if required by Provision C.3, so that post-project stormwater runoff flow and duration match pre-project runoff.</li> </ul> <p><i>b. Maintenance Agreement Required</i></p> <p>The project applicant shall enter into a maintenance agreement with the City, based on the Standard City of Oakland Stormwater Treatment Measures Maintenance Agreement, in accordance with Provision C.3, which provides, in part, for the following:</p> <ul style="list-style-type: none"> <li>i. The project applicant accepting responsibility for the adequate installation/construction, operation, maintenance, inspection, and reporting of any on-site stormwater treatment measures being incorporated into the project until the responsibility is legally transferred to another entity; and</li> <li>ii. Legal access to the on-site stormwater treatment measures for representatives of the City, the local vector control district, and staff of the Regional Water Quality Control Board, San Francisco Region, for the purpose of verifying the implementation, operation, and maintenance of the on-site stormwater treatment measures and to take corrective action if necessary.</li> </ul> <p>The maintenance agreement shall be recorded at the County Recorder’s Office at the applicant’s expense.</p> <p><b>SS.3. Sanitary Sewer System</b></p> <p>The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City’s Master Fee Schedule for funding improvements to the sanitary sewer system.</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p><b>SS.4. Storm Drain System.</b></p> <p>The project applicant shall prepare and submit a Sanitary Sewer Impact Analysis to the City for review and approval in accordance with the City of Oakland Sanitary Sewer Design Guidelines. The Impact Analysis shall include an estimate of pre-project and post-project wastewater flow from the project site. In the event that the Impact Analysis indicates that the net increase in project wastewater flow exceeds City-projected increases in wastewater flow in the sanitary sewer system, the project applicant shall pay the Sanitary Sewer Impact Fee in accordance with the City’s Master Fee Schedule for funding improvements to the sanitary sewer system.</p>
<p>Hazards and Nuisances including Site Safety and Noise</p>	<p><b>G.1. Construction-Related Permits.</b></p> <p>The project applicant shall obtain all required construction-related permits/approvals from the City. The project shall comply with all standards, requirements and conditions contained in construction-related codes, including but not limited to the Oakland Building Code and the Oakland Grading Regulations, to ensure structural integrity and safe construction.</p> <p><b>G.2. Soils Report.</b></p> <p>The project applicant shall submit a soils report prepared by a registered geotechnical engineer for City review and approval. The soils report shall contain, at a minimum, field test results and observations regarding the nature, distribution and strength of existing soils, and recommendations for appropriate grading practices and project design. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p> <p><b>G.3. Seismic Hazards Zone (Landslide/Liquefaction).</b></p> <p>The project applicant shall submit a site-specific geotechnical report, consistent with California Geological Survey Special Publication 117 (as amended), prepared by a registered geotechnical engineer for City review and approval containing at a minimum a description of the geological and geotechnical conditions at the site, an evaluation of site-specific seismic hazards based on geological and geotechnical conditions, and recommended measures to reduce potential impacts related to liquefaction and/or slope stability hazards. The project applicant shall implement the recommendations contained in the approved report during project design and construction.</p> <p><b>NOI.2. Operational Noise – General.</b></p> <p><b>NOI.3. Construction Noise.</b></p> <p>The project applicant shall implement noise reduction measures to reduce noise impacts due to construction. Noise reduction measures include, but are not limited to, the following:</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>a. Equipment and trucks used for project construction shall utilize the best available noise control techniques (e.g., improved mufflers, equipment redesign, use of intake silencers, ducts, engine enclosures and acoustically-attenuating shields or shrouds) wherever feasible.</p> <p>b. Except as provided herein, impact tools (e.g., jack hammers, pavement breakers, and rock drills) used for project construction shall be hydraulically or electrically powered to avoid noise associated with compressed air exhaust from pneumatically powered tools. However, where use of pneumatic tools is unavoidable, an exhaust muffler on the compressed air exhaust shall be used; this muffler can lower noise levels from the exhaust by up to about 10 dBA. External jackets on the tools themselves shall be used, if such jackets are commercially available, and this could achieve a reduction of 5 dBA. Quieter procedures shall be used, such as drills rather than impact equipment, whenever such procedures are available and consistent with construction procedures.</p> <p>c. Applicant shall use temporary power poles instead of generators where feasible.</p> <p>d. Stationary noise sources shall be located as far from adjacent properties as possible, and they shall be muffled and enclosed within temporary sheds, incorporate insulation barriers, or use other measures as determined by the City to provide equivalent noise reduction.</p> <p>e. The noisiest phases of construction shall be limited to less than 10 days at a time. Exceptions may be allowed if the City determines an extension is necessary and all available noise reduction controls are implemented.</p> <p><b>NOI.4. Construction Days/Hours.</b></p> <p>The project applicant shall comply with the following restrictions concerning construction days and hours:</p> <p>a. Construction activities are limited to between 7:00 AM and 7:00 PM Monday through Friday, except that pier drilling and/or other extreme noise generating activities greater than 90 dBA shall be limited to between 8:00 AM and 4:00 PM.</p> <p>b. Construction activities are limited to between 9:00 AM and 5:00 PM on Saturday. In residential zones and within 300 feet of a residential zone, construction activities are allowed from 9:00 AM to 5:00 PM only within the interior of the building with the doors and windows closed. No pier drilling or other extreme noise generating activities greater than 90 dBA are allowed on Saturday.</p> <p>c. No construction is allowed on Sunday or federal holidays.</p> <p>Construction activities include, but are not limited to, truck idling, moving equipment (including trucks, elevators, etc.) or materials, deliveries, and construction meetings held on-site in a non-enclosed area.</p> <p>Any construction activity proposed outside of the above days and hours for special activities (such as concrete pouring which may require more continuous amounts of</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>time) shall be evaluated on a case-by-case basis by the City, with criteria including the urgency/emergency nature of the work, the proximity of residential or other sensitive uses, and a consideration of nearby residents’/occupants’ preferences. The project applicant shall notify property owners and occupants located within 300 feet at least 14 calendar days prior to construction activity proposed outside of the above days/hours. When submitting a request to the City to allow construction activity outside of the above days/hours, the project applicant shall submit information concerning the type and duration of proposed construction activity and the draft public notice for City review and approval prior to distribution of the public notice.</p> <p><b>NOI.5. Extreme Construction Noise.</b></p> <p><i>a. Construction Noise Management Plan Required</i></p> <p>Prior to any extreme noise generating construction activities (e.g., pier drilling, pile driving and other activities generating greater than 90dBA), the project applicant shall submit a Construction Noise Management Plan prepared by a qualified acoustical consultant for City review and approval that contains a set of site-specific noise attenuation measures to further reduce construction impacts associated with extreme noise generating activities. The project applicant shall implement the approved Plan during construction. Potential attenuation measures include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>i. Erect temporary plywood noise barriers around the construction site, particularly along on sites adjacent to residential buildings;</li> <li>ii. Implement “quiet” pile driving technology (such as pre-drilling of piles, the use of more than one pile driver to shorten the total pile driving duration), where feasible, in consideration of geotechnical and structural requirements and conditions;</li> <li>iii. Utilize noise control blankets on the building structure as the building is erected to reduce noise emission from the site;</li> <li>iv. Evaluate the feasibility of noise control at the receivers by temporarily improving the noise reduction capability of adjacent buildings by the use of sound blankets for example and implement such measure if such measures are feasible and would noticeably reduce noise impacts; and</li> <li>v. Monitor the effectiveness of noise attenuation measures by taking noise measurements.</li> </ol> <p><i>b. Public Notification Required</i></p> <p>The project applicant shall notify property owners and occupants located within 300 feet of the construction activities at least 14 calendar days prior to commencing extreme noise generating activities. Prior to providing the notice, the project applicant shall submit to the City for review and approval the proposed type and duration of extreme noise generating activities and the proposed public notice. The public notice shall provide the estimated start and end dates of the extreme noise generating activities and describe noise attenuation measures to be implemented.</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p><b>NOI.6. Construction Noise Complaints.</b></p> <p>The project applicant shall submit to the City for review and approval a set of procedures for responding to and tracking complaints received pertaining to construction noise, and shall implement the procedures during construction. At a minimum, the procedures shall include:</p> <ol style="list-style-type: none"> <li>a. Designation of an on-site construction complaint and enforcement manager for the project;</li> <li>b. A large on-site sign near the public right-of-way containing permitted construction days/hours, complaint procedures, and phone numbers for the project complaint manager and City Code Enforcement unit;</li> <li>c. Protocols for receiving, responding to, and tracking received complaints; and</li> <li>d. Maintenance of a complaint log that records received complaints and how complaints were addressed, which shall be submitted to the City for review upon the City’s request.</li> </ol> <p><b>AQ.1. Dust Controls – Construction Related.</b></p> <p><b>AQ.2. Criteria Air Pollutants – Construction Related.</b></p> <p><b>CT.1. Hazardous Materials Related to Construction.</b></p>
Solid Waste Disposal / Recycling	<p><b>RE.1. Construction and Demolition Waste Reduction and Recycling.</b></p> <p>The project applicant shall comply with the City of Oakland Construction and Demolition Waste Reduction and Recycling Ordinance (chapter 15.34 of the Oakland Municipal Code) by submitting a Construction and Demolition Waste Reduction and Recycling Plan (WRRP) for City review and approval, and shall implement the approved WRRP. Projects subject to these requirements include all new construction, renovations/alterations/modifications with construction values of \$50,000 or more (except R-3 type construction), and all demolition (including soft demolition) except demolition of type R-3 construction. The WRRP must specify the methods by which the project will divert construction and demolition debris waste from landfill disposal in accordance with current City requirements. The WRRP may be submitted electronically at <a href="http://www.greenhalosystems.com">www.greenhalosystems.com</a> or manually at the City’s Green Building Resource Center. Current standards, FAQs, and forms are available on the City’s website and in the Green Building Resource Center.</p> <p><b>RE.2. Recycling Collection and Storage Space.</b></p> <p>The project applicant shall comply with the City of Oakland Recycling Space Allocation Ordinance (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall contain recycling collection and storage areas in compliance with the Ordinance. For residential projects, at least two (2) cubic feet of storage and collection space per residential unit is required, with a minimum of ten (10) cubic feet. For nonresidential projects,</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	at least two (2) cubic feet of storage and collection space per 1,000 square feet of building floor area is required, with a minimum of ten (10) cubic feet.
Waste Water / Sanitary Sewers (See Stormwater Runoff)	<b>SS.3: Sanitary Sewer System</b> <b>SS.4: Storm Drain System</b>
Water Supply	<p><b>WS.1. Water Efficient Landscape Ordinance (WELO).</b></p> <p>The project applicant shall comply with California’s Water Efficient Landscape Ordinance (WELO) in order to reduce landscape water usage. For the specific ordinance requirements, see the link below: <a href="http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf">http://www.water.ca.gov/wateruseefficiency/landscapeordinance/docs/Title%202023%20extract%20-%20Official%20CCR%20pages.pdf</a>.</p> <p>For any landscape project with an aggregate (total noncontiguous) landscape area equal to 2,500 sq. ft. or less, the project applicant may implement either the Prescriptive Measures or the Performance Measures, of, and in accordance with the California’s Model Water Efficient Landscape Ordinance. For any landscape project with an aggregate (total noncontiguous) landscape area over 2,500 sq. ft., the project applicant shall implement the Performance Measures in accordance with the WELO.</p> <p><i>Prescriptive Measures:</i> Prior to construction, the project applicant shall submit the Project Information (detailed below) and documentation showing compliance with Appendix D of California’s Model Water Efficient Landscape Ordinance (see page 38.14(g) in the link above).</p> <p><i>Performance Measures:</i> Prior to construction, the project applicant shall prepare and submit a Landscape Documentation Package for review and approval, which includes the following:</p> <ol style="list-style-type: none"> <li>a. Project Information: <ol style="list-style-type: none"> <li>i. Date,</li> <li>ii. Applicant and property owner name,</li> <li>iii. Project address,</li> <li>iv. Total landscape area,</li> <li>v. Project type (new, rehabilitated, cemetery, or home owner installed)</li> <li>vi. Water supply type and water purveyor</li> <li>vii. Checklist of documents in package, and</li> <li>viii. Project contacts</li> <li>ix. Applicant signature and date with the statement “I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package.”</li> </ol> </li> <li>b. Water Efficient Landscape Worksheet <ol style="list-style-type: none"> <li>i. Hydrozone information Table</li> <li>ii. Water Budget Calculations with Maximum Applied Water Allowance (MAWA) and Estimated Total Water Use</li> </ol> </li> <li>c. Soil Management Report</li> </ol>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p>d. Landscape Design Plan  e. Irrigation Design Plan,  f. Grading Plan</p> <p><b>WS.2 Landscape Plan</b>  a. <i>Landscape Plan Required</i>  The project applicant shall submit a final Landscape Plan for City review and approval that is consistent with the approved Landscape Plan. The Landscape Plan shall be included with the set of drawings submitted for the construction-related permit and shall comply with the landscape requirements of chapter 17.124 of the Planning Code. Proposed plants shall be predominantly drought-tolerant. Specification of any street trees shall comply with the Master Street Tree List and Tree Planting Guidelines (which can be viewed at <a href="http://www2.oaklandnet.com/oakcal/groups/pwa/documents/report/oak042662.pdf">http://www2.oaklandnet.com/oakcal/groups/pwa/documents/report/oak042662.pdf</a> and <a href="http://www2.oaklandnet.com/oakcal/groups/pwa/documents/form/oak025595.pdf">http://www2.oaklandnet.com/oakcal/groups/pwa/documents/form/oak025595.pdf</a>, respectively), and with any applicable streetscape plan.</p> b. <i>Landscape Installation</i> The project applicant shall implement the approved Landscape Plan unless a bond, cash deposit, letter of credit, or other equivalent instrument acceptable to the Director of City Planning, is provided. The financial instrument shall equal the greater of \$2,500 or the estimated cost of implementing the Landscape Plan based on a licensed contractor’s bid. c. <i>Landscape Maintenance</i> All required planting shall be permanently maintained in good growing condition and, whenever necessary, replaced with new plant materials to ensure continued compliance with applicable landscaping requirements. The property owner shall be responsible for maintaining planting in adjacent public rights-of-way. All required fences, walls, and irrigation systems shall be permanently maintained in good condition and, whenever necessary, repaired or replaced.
Parks, Open Space and Recreation	<p><b>WS.2 Landscape Plan</b></p> <p><b>POSR.1. Access to Parks and Open Space.</b></p> <p>The project applicant shall submit a plan for City review and approval to enhance bicycle and pedestrian access from the project site and adjacent areas to the adjacent open space area. Examples of enhancements may include, but are not limited to, new or improved bikeways, bike parking, traffic control devices, sidewalks, pathways, bulb-outs, and signage. The project sponsor shall install the approved enhancements during construction and prior to completion of the project.</p>
Transportation and Accessibility	<p><b>TRA.1. Bicycle Parking.</b></p> <p>The project applicant shall comply with the City of Oakland Bicycle Parking Requirements (chapter 17.118 of the Oakland Planning Code). The project drawings submitted for construction-related permits shall demonstrate compliance with the requirements.</p>

<b>Law, Authority, or Factor</b>	<b>Mitigation Measure</b>
	<p><b>TRA.2. Transportation Impact Fee.</b></p> <p>The project applicant shall comply with the requirements of the City of Oakland Transportation Impact Fee Ordinance (chapter 15.74 of the Oakland Municipal Code).</p>
Climate Change	<p><b>AQ.5. Exposure to Air Pollution (Toxic Air Contaminants: Gaseous Emissions)</b></p>
Energy Efficiency	<p><b>AQ.2. Criteria Air Pollutants – Construction Related.</b></p> <p><b>EE.1. Green Building Requirements.</b></p> <p><i>a. Compliance with Green Building Requirements During Plan-Check</i></p> <p>The project applicant shall comply with the requirements of the California Green Building Standards (CALGreen) mandatory measures and the applicable requirements of the City of Oakland Green Building Ordinance (chapter 18.02 of the Oakland Municipal Code).</p> <p>i. The following information shall be submitted to the City for review and approval with the application for a building permit:</p> <ul style="list-style-type: none"> <li>• Documentation showing compliance with Title 24 of the current version of the California Building Energy Efficiency Standards.</li> <li>• Completed copy of the final green building checklist approved during the review of the Planning and Zoning permit.</li> <li>• Copy of the Unreasonable Hardship Exemption, if granted, during the review of the Planning and Zoning permit.</li> <li>• Permit plans that show, in general notes, detailed design drawings, and specifications as necessary, compliance with the items listed in subsection (ii) below.</li> <li>• Copy of the signed statement by the Green Building Certifier approved during the review of the Planning and Zoning permit that the project complied with the requirements of the Green Building Ordinance.</li> <li>• Signed statement by the Green Building Certifier that the project still complies with the requirements of the Green Building Ordinance, unless an Unreasonable Hardship Exemption was granted during the review of the Planning and Zoning permit.</li> <li>• Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ul> <p>ii. The set of plans in subsection (i) shall demonstrate compliance with the following:</p> <ul style="list-style-type: none"> <li>• CALGreen mandatory measures.</li> <li>• Green building point level/certification of 53 per the appropriate checklist approved during the Planning entitlement process.</li> <li>• All green building points identified on the checklist approved during review of the Planning and Zoning permit, unless a Request for Revision Plan-check application is submitted and approved by the Bureau of Planning that shows the previously approved points that will be eliminated or substituted.</li> </ul>

Law, Authority, or Factor	Mitigation Measure
	<ul style="list-style-type: none"> <li>• The required green building point minimums in the appropriate credit categories.</li> </ul> <p><i>b. Compliance with Green Building Requirements During Construction</i> The project applicant shall comply with the applicable requirements of CALGreen and the Oakland Green Building Ordinance during construction of the project. The following information shall be submitted to the City for review and approval:</p> <ol style="list-style-type: none"> <li>i. Completed copies of the green building checklists approved during the review of the Planning and Zoning permit and during the review of the building permit.</li> <li>ii. Signed statement(s) by the Green Building Certifier during all relevant phases of construction that the project complies with the requirements of the Green Building Ordinance.</li> <li>iii. Other documentation as deemed necessary by the City to demonstrate compliance with the Green Building Ordinance.</li> </ol> <p><i>c. Compliance with Green Building Requirements After Construction</i> Prior to the finalizing the Building Permit, the Green Building Certifier shall submit the appropriate documentation to City staff and attain the minimum required point level.</p> <p><b>EE.2. Plug-In Electric Vehicle (PEV) Charging Infrastructure.</b></p> <p>The applicant shall submit, for review and approval of the Building Official and the Zoning Manager, plans that show the location of parking spaces equipped with full electrical circuits designated for future PEV charging (i.e. “PEV-Ready) per the requirements of Chapter 15.04 of the Oakland Municipal Code. Building electrical plans shall indicate sufficient electrical capacity to supply the required PEV-Ready parking spaces.</p>

The Standard Conditions of Approval were initially and formally adopted by the Oakland City Council on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083.3 and CEQA Guidelines Section 15183 (currently Section 15183.3), and incorporate development policies and standards from various adopted plans, policies, and ordinances (such as the Oakland Planning and Municipal Codes, Oakland Creek Protection, Stormwater Management and Discharge Control Ordinance, Oakland Tree Protection Ordinance, Oakland Grading Regulations, NPDES requirements, Housing Element and other General Plan Element-related mitigation measures, California Building Code, Uniform Fire Code, Energy and Climate Action Plan, Complete Streets Policy, and Green Building Ordinance, among others), which have been found to substantially mitigate environmental effects. Where there are peculiar circumstances associated with a project or project site that would result in significant environmental impacts despite implementation of the Standard Conditions of Approval, mitigation measures have been identified to reduce the impact to less than significant levels.

**Determination:**

**Finding of No Significant Impact** [24 CFR 58.40(g)(1); 40 CFR 1508.27]  
The project will not result in a significant impact on the quality of the human environment.

**Finding of Significant Impact** [24 CFR 58.40(g)(2); 40 CFR 1508.27]  
The project may significantly affect the quality of the human environment.

Preparer Signature:  Date: 1/17/24

Name/Title/Organization: Rod Stinson, Vice President/Air Quality Specialist, Raney Planning & Management, Inc.

Certifying Officer Signature:   
William Gilchrist, Jan 18, 2024 Date: Jan 18, 2024

Name/Title: William Gilchrist, Director of Planning and Building, City of Oakland

This original, signed document and related supporting material must be retained on file by the Responsible Entity in an Environmental Review Record (ERR) for the activity/project (ref: 24 CFR Part 58.38) and in accordance with recordkeeping requirements for the HUD program(s).

# East 12th Street Affordable Apartments Project EA

Final Audit Report

2024-01-18

Created:	2024-01-17 (Pacific Standard Time)
By:	Heather Klein (HKlein@oaklandca.gov)
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## "East 12th Street Affordable Apartments Project EA" History

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